

**Query: (CONTENT contains "eminent domain")**

- ☐ **RCW 1.16.080 (RCW)**  
"Person" -- Construction of "association," "unincorporated association," and "person, firm, or corporation" to include a limited liability company.
- ☐ **CHAPTER 2.36 RCW (RCW)**  
**JURIES**
- ☒ **CHAPTER 4.28 RCW (RCW)**  
**COMMENCEMENT OF ACTIONS**
- ☒ **RCW 4.28.120 (RCW)**  
Publication of notice in eminent domain proceedings.
- ☐ **TITLE 7 RCW (RCW)**  
**SPECIAL PROCEEDINGS AND ACTIONS**
- ☒ **TITLE 8 RCW (RCW)**  
**EMINENT DOMAIN**
- ☒ **CHAPTER 8.04 RCW (RCW)**  
**EMINENT DOMAIN BY STATE**
- ☐ **RCW 8.04.020 (RCW)**  
Notice -- Contents -- Service -- Publication.
- ☒ **CHAPTER 8.08 RCW (RCW)**  
**EMINENT DOMAIN BY COUNTIES**
- ☐ **RCW 8.08.030 (RCW)**  
Notice of presentation of petition.
- ☒ **RCW 8.08.100 (RCW)**  
Mode of appropriation.
- ☒ **CHAPTER 8.12 RCW (RCW)**  
**EMINENT DOMAIN BY CITIES**
- ☐ **RCW 8.12.070 (RCW)**  
Summons -- Service.
- ☒ **RCW 8.12.240 (RCW)**  
Petition for assessment -- Appointment of commissioners.
- ☒ **RCW 8.12.260 (RCW)**  
Appointment of board of eminent domain commissioners -- Terms of office.
- ☒ **CHAPTER 8.16 RCW (RCW)**  
**EMINENT DOMAIN BY SCHOOL DISTRICTS**
- ☐ **RCW 8.16.030 (RCW)**  
Notice of petition -- Service.
- ☒ **CHAPTER 8.20 RCW (RCW)**  
**EMINENT DOMAIN BY CORPORATIONS**
- ☐ **RCW 8.20.020 (RCW)**  
Notice -- Contents -- Service -- Publication.
- ☐ **CHAPTER 8.24 RCW (RCW)**  
**PRIVATE WAYS OF NECESSITY**
- ☐ **RCW 8.24.030 (RCW)**  
Procedure for condemnation -- Fees and costs.
- ☒ **CHAPTER 8.25 RCW (RCW)**  
**ADDITIONAL PROVISIONS APPLICABLE TO EMINENT DOMAIN PROCEEDINGS**
- ☒ **RCW 8.25.020 (RCW)**  
Payment to defray costs of evaluating offer -- Amount.
- ☒ **RCW 8.25.070 (RCW)**  
Award of attorney's fees and witness fees to condemnee -- Conditions to award.
- ☒ **RCW 8.26.010 (RCW)**  
Purposes and scope.

- ☒ **RCW 8.26.020 (RCW)**  
Definitions.
- ☒ **RCW 8.26.180 (RCW)**  
Acquisition procedures.
- ☒ **RCW 8.28.030 (RCW)**  
Notice where military land is involved.
- ☒ **RCW 8.28.040 (RCW)**  
Interest on verdict fixed -- Suspension during pendency of appeal.
- ☐ **CHAPTER 11.88 RCW (RCW)**  
**GUARDIANSHIP -- APPOINTMENT, QUALIFICATION, REMOVAL OF GUARDIANS**
- ☒ **RCW 11.104A.130 (RCW)**  
Principal receipts.
- ☒ **CHAPTER 14.07 RCW (RCW)**  
**MUNICIPAL AIRPORTS -- 1941 ACT**
- ☒ **RCW 14.07.020 (RCW)**  
Acquisition of property -- Eminent domain -- Exemption.
- ☒ **CHAPTER 14.08 RCW (RCW)**  
**MUNICIPAL AIRPORTS -- 1945 ACT**
- ☒ **RCW 14.08.030 (RCW)**  
Acquisition of property and easements -- Eminent domain -- Encroachments prohibited.
- ☒ **TITLE 22 RCW (RCW)**  
**WAREHOUSING AND DEPOSITS**
- ☒ **CHAPTER 22.16 RCW (RCW)**  
**WAREHOUSES AND ELEVATORS -- EMINENT DOMAIN**
- ☒ **RCW 22.16.010 (RCW)**  
Right of eminent domain extended.
- ☒ **RCW 22.16.030 (RCW)**  
Extent of appropriation.
- ☐ **TITLE 23 RCW (RCW)**  
**CORPORATIONS AND ASSOCIATIONS (PROFIT) (Business Corporation Act: See Title 23B RCW)**
- ☐ **TITLE 23B RCW (RCW)**  
**WASHINGTON BUSINESS CORPORATION ACT**
- ☐ **TITLE 24 RCW (RCW)**  
**CORPORATIONS AND ASSOCIATIONS (NONPROFIT)**
- ☐ **TITLE 28A RCW (RCW)**  
**COMMON SCHOOL PROVISIONS**
- ☒ **CHAPTER 28A.335 RCW (RCW)**  
**SCHOOL DISTRICTS' PROPERTY**
- ☒ **RCW 28A.335.220 (RCW)**  
Eminent domain.
- ☐ **TITLE 28B RCW (RCW)**  
**HIGHER EDUCATION**
- ☒ **CHAPTER 28B.20 RCW (RCW)**  
**UNIVERSITY OF WASHINGTON**
- ☒ **RCW 28B.20.344 (RCW)**  
University site dedicated for street and boulevard purposes -- Eminent domain may not be exercised against site.
- ☐ **CHAPTER 28B.30 RCW (RCW)**  
**WASHINGTON STATE UNIVERSITY**
- ☐ **CHAPTER 28B.40 RCW (RCW)**  
**THE EVERGREEN STATE COLLEGE**



**Query: (CONTENT contains "eminent domain")**

- ☒ **RCW 28B.50.090 (RCW)**  
College board -- Powers and duties.
- ☒ **RCW 34.05.010 (RCW)**  
Definitions.
- ☐ **TITLE 35 RCW (RCW)**  
**CITIES AND TOWNS**
- ☒ **CHAPTER 35.21 RCW (RCW)**  
**MISCELLANEOUS PROVISIONS**
- ☐ **RCW 35.21.090 (RCW)**  
Dikes, levees, embankments -- Authority to construct.
- ☒ **RCW 35.21.190 (RCW)**  
Parkways, park drives and boulevards.
- ☒ **RCW 35.21.360 (RCW)**  
Eminent domain by cities and towns.
- ☒ **RCW 35.21.395 (RCW)**  
Historic preservation -- Authorization to acquire property, borrow money, issue bonds, etc.
- ☒ **RCW 35.21.670 (RCW)**  
Demonstration Cities and Metropolitan Development Act -- Powers and limitations of public corporations, commissions or authorities created.
- ☒ **RCW 35.21.745 (RCW)**  
Public corporations -- Provision for, control over -- Powers.
- ☒ **CHAPTER 35.23 RCW (RCW)**  
**SECOND CLASS CITIES**
- ☒ **RCW 35.23.311 (RCW)**  
Eminent domain.
- ☒ **RCW 35.23.440 (RCW)**  
Specific powers enumerated.
- ☐ **CHAPTER 35.27 RCW (RCW)**  
**TOWNS**
- ☒ **RCW 35.27.380 (RCW)**  
Additional powers -- Eminent domain.
- ☒ **RCW 35.27.570 (RCW)**  
Off-street parking space and facilities -- Acquisition and disposition of real property.
- ☐ **CHAPTER 35.43 RCW (RCW)**  
**LOCAL IMPROVEMENTS -- AUTHORITY -- INITIATION OF PROCEEDINGS**
- ☒ **RCW 35.44.020 (RCW)**  
Assessment district -- Cost items to be included.
- ☒ **RCW 35.44.250 (RCW)**  
Procedure on appeal -- Hearing by superior court.
- ☒ **CHAPTER 35.55 RCW (RCW)**  
**LOCAL IMPROVEMENTS -- FILLING LOWLANDS**
- ☒ **RCW 35.55.040 (RCW)**  
Damages -- Eminent domain.
- ☒ **RCW 35.55.060 (RCW)**  
Assessment roll -- Items -- Assessment units -- Installments.
- ☒ **RCW 35.55.140 (RCW)**  
Local improvement bonds and warrants -- Sale to pay damages, preliminary financing.
- ☒ **CHAPTER 35.56 RCW (RCW)**  
**LOCAL IMPROVEMENTS -- FILLING AND DRAINING LOWLANDS -- WATERWAYS**
- ☒ **RCW 35.56.050 (RCW)**  
Damages -- Eminent domain.

- ☒ **RCW 35.56.070 (RCW)**  
Assessment roll -- Items -- Assessment units -- Installments.
- ☒ **RCW 35.56.150 (RCW)**  
Local improvement bonds and warrants -- Sale to pay damages -- Preliminary financing.
- ☐ **CHAPTER 35.58 RCW (RCW)**  
**METROPOLITAN MUNICIPAL CORPORATIONS**
- ☒ **RCW 35.58.320 (RCW)**  
Eminent domain.
- ☒ **RCW 35.59.050 (RCW)**  
Powers of condemnation.
- ☒ **CHAPTER 35.61 RCW (RCW)**  
**METROPOLITAN PARK DISTRICTS**
- ☒ **RCW 35.61.130 (RCW)**  
Eminent domain -- Park commissioners' authority, generally -- Prospective staff screening.
- ☒ **CHAPTER 35.81 RCW (RCW)**  
**COMMUNITY RENEWAL LAW (Formerly Urban renewal law)**
- ☒ **RCW 35.81.005 (RCW)**  
Declaration of purpose and necessity.
- ☒ **RCW 35.81.070 (RCW)**  
Powers of municipality.
- ☒ **RCW 35.81.080 (RCW)**  
Eminent domain.
- ☒ **RCW 35.81.150 (RCW)**  
Exercise of community renewal project powers.
- ☒ **CHAPTER 35.82 RCW (RCW)**  
**HOUSING AUTHORITIES LAW**
- ☒ **RCW 35.82.070 (RCW)**  
Powers of authority.
- ☒ **RCW 35.82.110 (RCW)**  
Eminent domain.
- ☒ **RCW 35.82.285 (RCW)**  
Group homes or halfway houses for released juveniles or developmentally disabled.
- ☒ **CHAPTER 35.84 RCW (RCW)**  
**UTILITY AND OTHER SERVICES BEYOND CITY LIMITS**
- ☒ **RCW 35.84.030 (RCW)**  
Limitation on right of eminent domain.
- ☒ **RCW 35.86.030 (RCW)**  
Acquisition and disposition of real property.
- ☒ **RCW 35.86A.080 (RCW)**  
New off-street parking facilities -- Powers of parking commission and city council.
- ☐ **RCW 35.92.010 (RCW)**  
Authority to acquire and operate waterworks -- Generation of electricity -- Classification of services for rates.
- ☐ **RCW 35.92.030 (RCW)**  
Authority to acquire and operate stone or asphalt plants.
- ☒ **RCW 35.92.190 (RCW)**  
City may extend water system outside limits -- Cannot condemn irrigation system.
- ☒ **RCW 35A.11.030 (RCW)**  
Applicability of general law.
- ☒ **RCW 35A.42.010 (RCW)**  
City treasurer -- Miscellaneous authority and duties.

Query: (CONTENT contains "eminent domain")

- ☒ CHAPTER 35A.64 RCW (RCW)  
PUBLIC PROPERTY, REAL AND PERSONAL
- ☒ RCW 35A.64.200 (RCW)  
Eminent domain by cities.
- ☐ CHAPTER 36.01 RCW (RCW)  
GENERAL PROVISIONS
- ☐ CHAPTER 36.22 RCW (RCW)  
COUNTY AUDITOR
- ☐ CHAPTER 36.27 RCW (RCW)  
PROSECUTING ATTORNEY
- ☐ CHAPTER 36.28 RCW (RCW)  
COUNTY SHERIFF
- ☐ CHAPTER 36.32 RCW (RCW)  
COUNTY COMMISSIONERS
- ☒ RCW 36.32.435 (RCW)  
Historic preservation -- Authorization to acquire property, borrow money, issue bonds, etc.
- ☐ CHAPTER 36.34 RCW (RCW)  
COUNTY PROPERTY
- ☒ RCW 36.57.010 (RCW)  
Definitions.
- ☒ RCW 36.58.100 (RCW)  
Solid waste disposal district -- Authorized -- Boundaries -- Powers -- Governing body.
- ☒ CHAPTER 36.60 RCW (RCW)  
COUNTY RAIL DISTRICTS
- ☒ RCW 36.60.070 (RCW)  
Power of eminent domain.
- ☒ RCW 36.61.150 (RCW)  
Special assessment roll -- Appeal to superior and appellate courts -- Procedure.
- ☒ RCW 36.64.070 (RCW)  
Counties with populations of two hundred ten thousand or more -- Contracts with cities concerning buildings and related improvements.
- ☒ CHAPTER 36.68 RCW (RCW)  
PARKS AND RECREATIONAL FACILITIES
- ☒ RCW 36.68.555 (RCW)  
Eminent domain.
- ☒ RCW 36.69.270 (RCW)  
L.I.D.'s -- Powers and duties of board upon formation.
- ☒ CHAPTER 36.73 RCW (RCW)  
TRANSPORTATION BENEFIT DISTRICTS
- ☒ RCW 36.73.130 (RCW)  
Power of eminent domain.
- ☒ RCW 36.75.040 (RCW)  
Powers of county commissioners.
- ☒ CHAPTER 36.83 RCW (RCW)  
ROADS AND BRIDGES -- SERVICE DISTRICTS
- ☒ RCW 36.83.090 (RCW)  
Eminent domain.
- ☒ CHAPTER 36.88 RCW (RCW)  
COUNTY ROAD IMPROVEMENT DISTRICTS
- ☒ RCW 36.88.310 (RCW)  
Acquisition of property -- Eminent domain.

- ☒ **RCW 36.94.240 (RCW)**  
Local improvement districts and utility local improvement districts -- Hearing -- Improvement ordered -- Divestment of power to order, time limitation -- Assessment roll.
- ☒ **RCW 36.94.290 (RCW)**  
Local improvement districts and utility local improvement districts -- Appellate review.
- ☐ **CHAPTER 37.16 RCW (RCW)**  
**ACQUISITION OF LANDS FOR PERMANENT MILITARY INSTALLATIONS**
- ☐ **CHAPTER 38.40 RCW (RCW)**  
**MISCELLANEOUS PROVISIONS**
- ☒ **RCW 39.84.060 (RCW)**  
Public corporations -- Limitations.
- ☒ **RCW 39.102.020 (RCW)**  
Definitions. (Expires June 30, 2039.)
- ☒ **RCW 43.01.210 (RCW)**  
Facilitating recovery from Mt. St. Helens eruption -- Scope of state agency action.
- ☐ **CHAPTER 43.06 RCW (RCW)**  
**GOVERNOR**
- ☐ **CHAPTER 43.08 RCW (RCW)**  
**STATE TREASURER**
- ☐ **CHAPTER 43.09 RCW (RCW)**  
**STATE AUDITOR**
- ☐ **CHAPTER 43.10 RCW (RCW)**  
**ATTORNEY GENERAL**
- ☐ **CHAPTER 43.12 RCW (RCW)**  
**COMMISSIONER OF PUBLIC LANDS**
- ☒ **CHAPTER 43.21A RCW (RCW)**  
**DEPARTMENT OF ECOLOGY**
- ☒ **RCW 43.21A.450 (RCW)**  
Control of outflow and level of Lake Osoyoos -- Lake Osoyoos International Water Control Structure authorized.
- ☒ **RCW 43.21A.616 (RCW)**  
Steam electric generating plant -- Eminent domain.
- ☒ **RCW 43.52.391 (RCW)**  
Powers and duties of operating agency.
- ☒ **RCW 43.70.195 (RCW)**  
Public water systems -- Receivership actions brought by secretary -- Plan for disposition.
- ☒ **CHAPTER 43.82 RCW (RCW)**  
**STATE AGENCY HOUSING**
- ☒ **RCW 43.82.030 (RCW)**  
Acquisition of property and rights declared public use -- Eminent domain.
- ☒ **CHAPTER 43.180 RCW (RCW)**  
**HOUSING FINANCE COMMISSION**
- ☒ **RCW 43.180.060 (RCW)**  
No power of eminent domain or taxation.
- ☒ **RCW 43.340.030 (RCW)**  
Tobacco settlement authority -- Powers -- Rule-making authority.
- ☒ **RCW 47.12.150 (RCW)**  
Acquisition, exchange of property to relocate displaced facility.
- ☒ **RCW 47.20.725 (RCW)**  
Quinault Tribal Highway -- Acquisition of remaining right of way.
- ☒ **CHAPTER 47.29 RCW (RCW)**  
**TRANSPORTATION INNOVATIVE PARTNERSHIPS**

**Query: (CONTENT contains "eminent domain")**

- ☒ **RCW 47.29.220 (RCW)**  
Eminent domain.
- ☒ **RCW 47.41.040 (RCW)**  
Screening or removal of junkyard.
- ☒ **RCW 47.46.040 (RCW)**  
Demonstration projects -- Terms of agreements -- Public participation.
- ☒ **RCW 47.56.110 (RCW)**  
Toll bridges -- Resolution of necessity in acquiring right of way -- Effect of.
- ☒ **CHAPTER 47.58 RCW (RCW)**  
**EXISTING AND ADDITIONAL BRIDGES**
- ☒ **RCW 47.58.080 (RCW)**  
Eminent domain.
- ☒ **CHAPTER 47.60 RCW (RCW)**  
**PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM**
- ☒ **RCW 47.60.020 (RCW)**  
Eminent domain -- Condemnation proceedings.
- ☐ **RCW 47.68.120 (RCW)**  
Condemnation, how exercised.
- ☒ **RCW 47.72.050 (RCW)**  
Powers and duties.
- ☒ **CHAPTER 47.76 RCW (RCW)**  
**RAIL FREIGHT SERVICE**
- ☒ **RCW 47.76.330 (RCW)**  
Eminent domain exemptions.
- ☒ **CHAPTER 52.12 RCW (RCW)**  
**POWERS -- BURNING PERMITS**
- ☒ **RCW 52.12.021 (RCW)**  
General powers.
- ☒ **RCW 52.12.041 (RCW)**  
Eminent domain.
- ☒ **CHAPTER 53.08 RCW (RCW)**  
**POWERS**
- ☒ **RCW 53.08.010 (RCW)**  
Acquisition of property -- Levy of assessments.
- ☒ **RCW 53.08.370 (RCW)**  
Telecommunications facilities -- Construct, purchase, acquire, etc. -- Purposes -- Limitations -- Eminent domain.
- ☒ **RCW 53.20.050 (RCW)**  
Local improvements upon majority petition.
- ☒ **CHAPTER 53.25 RCW (RCW)**  
**INDUSTRIAL DEVELOPMENT DISTRICTS -- MARGINAL LANDS**
- ☒ **RCW 53.25.010 (RCW)**  
Marginal lands -- Declaration of policies and purposes.
- ☒ **RCW 53.25.100 (RCW)**  
Powers as to industrial development districts.
- ☒ **RCW 53.25.190 (RCW)**  
Eminent domain.
- ☒ **RCW 53.25.210 (RCW)**  
Determination that land sought by eminent domain is marginal.
- ☒ **RCW 53.31.040 (RCW)**  
Export trading companies -- Powers -- Formation -- Dissolution.

- ☒ **CHAPTER 54.16 RCW (RCW)**  
**POWERS**
- ☒ **RCW 54.16.020 (RCW)**  
Acquisition of property and rights -- Eminent domain.
- ☒ **RCW 54.16.150 (RCW)**  
Procedure when petition is signed by majority of landowners.
- ☒ **RCW 54.16.330 (RCW)**  
Telecommunications facilities -- Purposes -- Limitations -- Provision of wholesale telecommunications services -- Eminent domain.
- ☒ **RCW 57.08.005 (RCW)**  
Powers.
- ☒ **RCW 57.16.062 (RCW)**  
Hearing -- Improvement ordered -- Divestment of power to order -- Notice -- Appeal -- Assessment roll.
- ☒ **RCW 57.16.090 (RCW)**  
Review.
- ☒ **RCW 59.18.085 (RCW)**  
Rental of condemned or unlawful dwelling -- Tenant's remedies -- Relocation assistance -- Penalties.
- ☐ **TITLE 64 RCW (RCW)**  
**REAL PROPERTY AND CONVEYANCES**
- ☐ **TITLE 65 RCW (RCW)**  
**RECORDING, REGISTRATION, AND LEGAL PUBLICATION**
- ☒ **CHAPTER 65.12 RCW (RCW)**  
**REGISTRATION OF LAND TITLES (TORRENS ACT)**
- ☒ **RCW 65.12.400 (RCW)**  
Registered land charged as other land.
- ☒ **RCW 65.12.610 (RCW)**  
Eminent domain -- Reversion.
- ☒ **CHAPTER 67.20 RCW (RCW)**  
**PARKS, BATHING BEACHES, PUBLIC CAMPS**
- ☒ **RCW 67.20.010 (RCW)**  
Authority to acquire and operate certain recreational facilities -- Charges -- Eminent domain.
- ☒ **CHAPTER 67.28 RCW (RCW)**  
**PUBLIC STADIUM, CONVENTION, ARTS, AND TOURISM FACILITIES**
- ☒ **RCW 67.28.140 (RCW)**  
Declaration of public purpose -- Right of eminent domain.
- ☒ **CHAPTER 68.52 RCW (RCW)**  
**PUBLIC CEMETERIES AND MORGUES**
- ☒ **RCW 68.52.200 (RCW)**  
Right of eminent domain.
- ☒ **RCW 68.52.210 (RCW)**  
Power to do cemetery business -- District boundaries may include cities and towns -- Eminent domain exception.
- ☒ **RCW 70.44.060 (RCW)**  
Powers and duties.
- ☒ **RCW 74.39A.280 (RCW)**  
Powers.
- ☒ **RCW 76.13.120 (RCW)**  
Findings -- Definitions -- Forestry riparian easement program.
- ☒ **CHAPTER 78.04 RCW (RCW)**  
**MINING CORPORATIONS**
- ☒ **RCW 78.04.010 (RCW)**  
Right of eminent domain.

**Query: (CONTENT contains "eminent domain")**

- ☒ **RCW 78.04.020 (RCW)**  
Manner of exercising right of eminent domain.
- ☐ **TITLE 79 RCW (RCW)**  
**PUBLIC LANDS**
- ☒ **RCW 79.19.030 (RCW)**  
Exchange or sale of property held in land bank.
- ☐ **RCW 79.36.310 (RCW)**  
Acquisition of property interests for access authorized.
- ☒ **RCW 79.36.320 (RCW)**  
Condemnation -- Duty of attorney general.
- ☐ **RCW 79.36.370 (RCW)**  
Lands subject to easements for removal of valuable materials.
- ☐ **RCW 79.36.590 (RCW)**  
Easement reserved in later grants.
- ☒ **CHAPTER 79.44 RCW (RCW)**  
**ASSESSMENTS AND CHARGES AGAINST LANDS OF THE STATE**
- ☒ **RCW 79.44.140 (RCW)**  
Application of chapter -- Eminent domain assessments.
- ☒ **RCW 79.70.030 (RCW)**  
Powers of department.
- ☒ **RCW 79.71.040 (RCW)**  
Acquisition of property for natural resources conservation areas -- Designation.
- ☒ **CHAPTER 79.110 RCW (RCW)**  
**AQUATIC LANDS -- EASEMENTS AND RIGHTS OF WAY**
- ☒ **RCW 79.110.350 (RCW)**  
Grant of such easements and rights of way as applicant may acquire in private lands by eminent domain.
- ☒ **RCW 79.130.070 (RCW)**  
Exchange of bedlands -- Cowlitz river.
- ☒ **CHAPTER 79A.05 RCW (RCW)**  
**PARKS AND RECREATION COMMISSION**
- ☒ **RCW 79A.05.130 (RCW)**  
Cross-state trail account -- Land acquisition -- Rules describing trail. (Contingent expiration date.)
- ☒ **RCW 79A.05.745 (RCW)**  
Eminent domain -- Use prohibited.
- ☒ **RCW 79A.05.770 (RCW)**  
Yakima river conservation area -- Land acquisition.
- ☒ **RCW 79A.55.030 (RCW)**  
Administration of management program -- Powers, duties, and authority of commission.
- ☒ **CHAPTER 80.28 RCW (RCW)**  
**GAS, ELECTRICAL, AND WATER COMPANIES**
- ☒ **RCW 80.28.220 (RCW)**  
Gas companies -- Right of eminent domain -- Purposes.
- ☒ **CHAPTER 80.32 RCW (RCW)**  
**ELECTRIC FRANCHISES AND RIGHTS OF WAY**
- ☒ **RCW 80.32.060 (RCW)**  
Eminent domain.
- ☒ **RCW 80.32.080 (RCW)**  
Duties of electrical companies exercising power of eminent domain.
- ☒ **CHAPTER 80.36 RCW (RCW)**  
**TELECOMMUNICATIONS**

- ☒ **RCW 80.36.010 (RCW)**  
Eminent domain.
- ☒ **RCW 80.36.040 (RCW)**  
Use of road, street, and railroad right-of-way -- When consent of city necessary.
- ☒ **CHAPTER 80.40 RCW (RCW)**  
**UNDERGROUND NATURAL GAS STORAGE ACT**
- ☒ **RCW 80.40.030 (RCW)**  
Eminent domain.
- ☒ **RCW 80.40.040 (RCW)**  
Eminent domain -- Application to \*oil and gas conservation committee prerequisite to eminent domain -- Procedure.
- ☒ **RCW 80.40.050 (RCW)**  
Rights of company using storage -- Rights of owners of condemned land and interests therein.
- ☐ **TITLE 81 RCW (RCW)**  
**TRANSPORTATION**
- ☒ **CHAPTER 81.36 RCW (RCW)**  
**RAILROADS -- CORPORATE POWERS AND DUTIES**
- ☒ **RCW 81.36.010 (RCW)**  
Right of eminent domain.
- ☒ **RCW 81.36.070 (RCW)**  
Purchase, lease, sale, merger of railroads.
- ☐ **CHAPTER 81.52 RCW (RCW)**  
**RAILROADS -- RIGHTS OF WAY -- SPURS -- FENCES**
- ☒ **CHAPTER 81.53 RCW (RCW)**  
**RAILROADS -- CROSSINGS**
- ☒ **RCW 81.53.180 (RCW)**  
Eminent domain.
- ☒ **CHAPTER 81.64 RCW (RCW)**  
**STREET RAILWAYS**
- ☒ **RCW 81.64.040 (RCW)**  
Eminent domain.
- ☒ **CHAPTER 81.88 RCW (RCW)**  
**GAS AND HAZARDOUS LIQUID PIPELINES (Formerly Gas and oil pipelines)**
- ☒ **RCW 81.88.020 (RCW)**  
Pipeline corporations -- Regulation -- Eminent domain.
- ☒ **RCW 81.112.080 (RCW)**  
Additional powers -- Acquisition of facilities -- Disposal of property--Rates, tolls, fares, charges.
- ☒ **RCW 82.16.010 (RCW)**  
Definitions.
- ☒ **RCW 84.26.090 (RCW)**  
Disqualification for valuation -- Additional tax -- Lien -- Exceptions from additional tax.
- ☒ **RCW 84.33.140 (RCW)**  
Forest land valuation -- Notation of forest land designation upon assessment and tax rolls -- Notice of continuance -- Removal of designation -- Compensating tax. (Effective until July 1, 2007.)
- ☒ **RCW 84.34.108 (RCW)**  
Removal of classification -- Factors -- Notice of continuance -- Additional tax -- Lien -- Delinquencies -  
- Exemptions.
- ☒ **RCW 84.34.210 (RCW)**  
Acquisition of open space, land, or rights to future development by certain entities -- Authority to  
acquire -- Conveyance or lease back.
- ☒ **RCW 84.34.220 (RCW)**  
Acquisition of open space, land, or rights to future development by certain entities -- Developmental  
rights -- "Conservation futures" -- Acquisition -- Restrictions.
- ☒ **RCW 84.36.810 (RCW)**



**Cessation of use under which exemption granted -- Collection of taxes.**

**Query: (CONTENT contains "eminent domain")**

- ☒ **RCW 84.38.130 (RCW)**  
When deferred assessments or taxes become payable.
- ☒ **CHAPTER 85.05 RCW (RCW)**  
**DIKING DISTRICTS**
- ☒ **RCW 85.05.070 (RCW)**  
Eminent domain -- Powers of district.
- ☒ **RCW 85.05.230 (RCW)**  
Action by district to prevent washing away of stream banks.
- ☒ **RCW 85.05.380 (RCW)**  
Public lands subject to assessment -- Rights and liabilities of public corporations.
- ☒ **CHAPTER 85.06 RCW (RCW)**  
**DRAINAGE DISTRICTS AND MISCELLANEOUS DRAINAGE PROVISIONS**
- ☒ **RCW 85.06.070 (RCW)**  
Eminent domain powers -- Purchase of real property authorized.
- ☒ **RCW 85.06.350 (RCW)**  
Public lands subject to assessment -- Rights and liabilities of public corporations.
- ☒ **RCW 85.06.690 (RCW)**  
Additional improvements -- Right of eminent domain.
- ☒ **RCW 85.07.170 (RCW)**  
Additional powers relating to diking and drainage works -- Duties of department of transportation.
- ☒ **CHAPTER 85.08 RCW (RCW)**  
**DIKING, DRAINAGE, AND SEWERAGE IMPROVEMENT DISTRICTS**
- ☒ **RCW 85.08.190 (RCW)**  
Eminent domain -- Consolidation of actions.
- ☒ **RCW 85.15.110 (RCW)**  
Review by superior court -- Filing fees -- Bond -- Priority of cause.
- ☒ **RCW 85.18.120 (RCW)**  
Review by superior court -- Filing fee -- Bond -- Priority of cause.
- ☒ **CHAPTER 85.24 RCW (RCW)**  
**DIKING AND DRAINAGE DISTRICTS IN TWO OR MORE COUNTIES**
- ☒ **RCW 85.24.070 (RCW)**  
Board of commissioners -- Oath, bond -- Plan of improvement -- Levy of assessment, procedure.
- ☒ **RCW 85.24.260 (RCW)**  
Acquisition of property -- Eminent domain.
- ☒ **RCW 85.24.261 (RCW)**  
Eminent domain -- Procedure.
- ☒ **RCW 85.24.263 (RCW)**  
Eminent domain -- Rights-of-way.
- ☒ **RCW 85.24.265 (RCW)**  
Eminent domain -- Against public lands.
- ☒ **RCW 85.38.180 (RCW)**  
Special districts -- Powers.
- ☒ **CHAPTER 86.09 RCW (RCW)**  
**FLOOD CONTROL DISTRICTS -- 1937 ACT**
- ☒ **RCW 86.09.151 (RCW)**  
General powers of districts.
- ☒ **RCW 86.09.202 (RCW)**  
Eminent domain -- Authorized.
- ☒ **RCW 86.09.205 (RCW)**  
Eminent domain -- Procedure.
- ☒ **RCW 86.09.208 (RCW)**

Eminent domain -- Consolidation of actions -- Separate verdicts.

- ☒ **RCW 86.09.211 (RCW)**  
Eminent domain -- Damages, how determined -- Judgment when damages exceed benefits.
- ☒ **RCW 86.09.214 (RCW)**  
Eminent domain -- Judgment, when benefits equal or exceed damages.
- ☒ **RCW 86.09.217 (RCW)**  
Eminent domain -- Right to levy on other land not affected.
- ☒ **RCW 86.09.220 (RCW)**  
Eminent domain -- Unpaid damages to be applied in satisfaction of levies -- Deficiency assessments.
- ☒ **RCW 86.09.223 (RCW)**  
Eminent domain -- Title and estate acquired.
- ☒ **CHAPTER 86.12 RCW (RCW)**  
**FLOOD CONTROL BY COUNTIES**
- ☒ **RCW 86.12.030 (RCW)**  
Eminent domain, how exercised.
- ☒ **CHAPTER 86.13 RCW (RCW)**  
**FLOOD CONTROL BY COUNTIES JOINTLY**
- ☒ **RCW 86.13.040 (RCW)**  
Eminent domain -- Procedure -- Acquisition by purchase authorized.
- ☐ **RCW 87.03.140 (RCW)**  
Board's powers and duties generally -- Condemnation procedure.
- ☒ **RCW 87.03.240 (RCW)**  
Assessments, how and when made -- Assessment roll.
- ☒ **RCW 87.80.130 (RCW)**  
Powers of board of joint control -- Limitation.
- ☒ **CHAPTER 89.30 RCW (RCW)**  
**RECLAMATION DISTRICTS OF ONE MILLION ACRES**
- ☒ **RCW 89.30.130 (RCW)**  
Powers -- In general.
- ☒ **RCW 89.30.184 (RCW)**  
Eminent domain -- Authorized.
- ☒ **RCW 89.30.187 (RCW)**  
Eminent domain -- Procedure.
- ☒ **RCW 89.30.190 (RCW)**  
Eminent domain -- Joinder, consolidation of actions -- Separate verdicts.
- ☒ **RCW 89.30.193 (RCW)**  
Eminent domain -- Damages and benefits -- Judgment when damages exceed benefits, costs.
- ☒ **RCW 89.30.196 (RCW)**  
Eminent domain -- Damages and benefits -- Judgment for costs when benefits equal or exceed damages.
- ☒ **RCW 89.30.199 (RCW)**  
Eminent domain -- Levy on uncondemned lands unaffected.
- ☒ **RCW 89.30.202 (RCW)**  
Eminent domain -- Verdict and findings binding as to levy.
- ☒ **RCW 89.30.205 (RCW)**  
Eminent domain -- Damages applied pro tanto to satisfy levies.
- ☒ **RCW 89.30.208 (RCW)**  
Eminent domain -- Title acquired.
- ☒ **RCW 89.30.220 (RCW)**  
Right to construct across streams, highways, railways, etc. -- Disagreements, how determined.

**Query: (CONTENT contains "eminent domain")**

- ☒ **CHAPTER 90.03 RCW (RCW)**  
**WATER CODE**
- ☒ **RCW 90.03.040 (RCW)**  
Eminent domain -- Use of water declared public use.
- ☒ **CHAPTER 90.16 RCW (RCW)**  
**APPROPRIATION OF WATER FOR PUBLIC AND INDUSTRIAL PURPOSES**
- ☒ **RCW 90.16.030 (RCW)**  
Right of eminent domain by water power companies.
- ☒ **RCW 90.16.040 (RCW)**  
Right of eminent domain by water power companies -- Right of entry.
- ☒ **RCW 90.16.045 (RCW)**  
Right of eminent domain by water power companies -- Procedure.
- ☐ **RCW 90.28.010 (RCW)**  
Right to back and hold waters over roads, streets, and alleys -- Procedure.
- ☐ **RCW 90.28.020 (RCW)**  
Right to back and hold waters over roads, streets, and alleys -- Relocation -- Acquisition of rights -- Abandonment.
- ☒ **CHAPTER 90.40 RCW (RCW)**  
**WATER RIGHTS OF UNITED STATES**
- ☒ **RCW 90.40.010 (RCW)**  
Eminent domain by the United States.
- ☒ **RCW 90.80.060 (RCW)**  
Board powers -- Funding.
- ☐ **TITLE 91 RCW (RCW)**  
**WATERWAYS**
- ☒ **CHAPTER 91.08 RCW (RCW)**  
**PUBLIC WATERWAYS**
- ☒ **RCW 91.08.100 (RCW)**  
Board's powers and duties -- Right of eminent domain.
- ☒ **RCW 91.08.120 (RCW)**  
Eminent domain -- Order to acquire or condemn property.
- ☒ **RCW 91.08.130 (RCW)**  
Eminent domain -- Petition to condemn.
- ☒ **RCW 91.08.140 (RCW)**  
Eminent domain -- Summons.
- ☒ **RCW 91.08.150 (RCW)**  
Eminent domain -- Service in case of public lands -- Legal counsel.
- ☒ **RCW 91.08.160 (RCW)**  
Eminent domain -- Finding of public use -- Jury -- Dismissal.
- ☒ **RCW 91.08.170 (RCW)**  
Eminent domain -- New parties may be admitted.
- ☒ **RCW 91.08.180 (RCW)**  
Eminent domain -- Jury may view property.
- ☒ **RCW 91.08.190 (RCW)**  
Eminent domain -- Measure of damage to buildings.
- ☒ **RCW 91.08.200 (RCW)**  
Eminent domain -- Findings as interests appear -- Interpleader.
- ☒ **RCW 91.08.210 (RCW)**  
Eminent domain -- Procedure after findings.
- ☒ **RCW 91.08.220 (RCW)**  
Eminent domain -- Substitution of new owner as defendant.

- ☒ **RCW 91.08.230 (RCW)**  
Eminent domain -- Guardian ad litem.
- ☒ **RCW 91.08.240 (RCW)**  
Eminent domain -- Damage irrespective of benefits.
- ☒ **RCW 91.08.250 (RCW)**  
Eminent domain -- Finality of judgment -- Appellate review -- Waiver of review.
- ☒ **RCW 91.08.260 (RCW)**  
Eminent domain -- Decree of appropriation.
- ☒ **RCW 91.08.570 (RCW)**  
Public lands not devoted to public use to be treated as private lands.
- ☐ **WAC 132F-20-030**  
Definitions of terms.
- ☐ **CHAPTER 222-21 WAC**  
**SMALL FOREST LANDOWNER FORESTRY RIPARIAN EASEMENT PROGRAM**
- ☐ **WAC 222-21-030**  
Document standards.
- ☐ **WAC 222-21-080**  
Eminent domain.
- ☐ **WAC 308-125-075**  
Allowed credits for appraisal experience.
- ☐ **WAC 458-15-070**  
Disqualification or removal.
- ☐ **WAC 458-15-090**  
Additional tax.
- ☐ **WAC 458-16-150**  
Cessation of use -- Taxes collectible for prior years.
- ☐ **WAC 458-16-290**  
Nature conservancy lands.
- ☐ **WAC 458-18-100**  
Deferral of special assessments and/or property taxes -- When payable -- Collection -- Partial payment.
- ☐ **WAC 458-20-179**  
Public utility tax.
- ☐ **WAC 458-20-189**  
Sales to and by the state of Washington, counties, cities, towns, school districts, and fire districts.
- ☐ **WAC 458-30-300**  
Additional tax -- Withdrawal or removal from classification.
- ☐ **WAC 458-30-700**  
Designated forest land -- Removal -- Change in status -- Compensating tax.
- ☐ **WAC 458-61A-205**  
Government transfers.
- ☐ **WAC 458-61A-206**  
Condemnation proceedings.
- ☐ **WAC 468-100-002**  
Definitions and acronyms.
- ☐ **WAC 468-100-101**  
Applicability of acquisition requirements.

## Chapter 4.28 RCW COMMENCEMENT OF ACTIONS

### RCW SECTIONS

- 4.28.011 Tolling statute of limitations -- Action deemed commenced, when.
- 4.28.020 Jurisdiction acquired, when.
- 4.28.080 Summons, how served.
- 4.28.090 Service on corporation without officer in state upon whom process can be served.
- 4.28.100 Service of summons by publication -- When authorized.
- 4.28.110 Manner of publication and form of summons.
- 4.28.120 Publication of notice in **eminent domain** proceedings.
- 4.28.140 Affidavit as to unknown heirs.
- 4.28.150 Title of cause -- Unknown claimants -- Service by publication.
- 4.28.160 Rights of unknown claimants and heirs -- Effect of judgment -- Lis pendens.
- 4.28.180 Personal service out of state.
- 4.28.185 Personal service out of state -- Acts submitting person to jurisdiction of courts -- Saving.
- 4.28.200 Right of one constructively served to appear and defend or reopen.
- 4.28.210 Appearance, what constitutes.
- 4.28.290 Assessment of damages without answer.
- 4.28.320 Lis pendens in actions affecting title to real estate.
- 4.28.325 Lis pendens in actions in United States district courts affecting title to real estate.
- 4.28.328 Lis pendens -- Liability of claimants -- Damages, costs, attorneys' fees.
- 4.28.330 Notice to alien property custodian.
- 4.28.340 Notice to alien property custodian -- Definitions.
- 4.28.350 Notice to alien property custodian -- Duration.
- 4.28.360 Personal injury action -- Complaint not to include statement of damages -- Request for statement.

### NOTES:

**Rules of court:** CR 3; CR 4; CR 4.1; CR 5; and CR 6.

Claims against

cities and towns: Chapters 35.31, 35A.31 RCW.

counties: Chapter 36.45 RCW.

political subdivisions, municipal corporations, and quasi municipal corporations: Chapter 4.96 RCW.

state: Chapter 4.92 RCW.

Foreign corporations, actions against: RCW 23B.15.100 and 23B.15.310.

Nonadmitted foreign corporations, actions against: Chapter 23B.18 RCW.

Proceedings as to individuals with mental illness: Chapter 71.05 RCW.

Publication of legal notices: Chapter 65.16 RCW.

Service of papers on foreign corporation: RCW 23B.15.100 and 23B.15.310.

Service of process on  
foreign savings and loan association: RCW 33.32.050.  
nonadmitted foreign corporation: RCW 23B.18.040.  
nonresident motor vehicle operator: RCW 46.64.040.

Sheriff's fees for service of process and other official services: RCW 36.18.040.

## **RCW 4.28.120**

### **Publication of notice in eminent domain proceedings.**

If a party having or claiming a share or interest in or lien upon any property sought to be appropriated for public use be unknown, and such fact be made to appear by affidavit filed in the office of the clerk of the court, the notice required by law in such cases may be served by publication as in the case of nonresident owners, and such notice shall be directed by name to every owner of a share or interest in or lien upon the property sought to be so appropriated, and generally to all persons unknown having or claiming an interest or estate in the property or any portion thereof, and all such unknown parties shall in all papers and proceedings be designated as "unknown owners," and shall be bound by the provisions and be entitled to the benefits of the judgment the same as if they had been known and duly named.

[1895 c 140 § 1; RRS § 239.]

### **NOTES:**

**Eminent domain:** Title 8 RCW.

Publication of legal notices: Chapter 65.16 RCW.

## **Title 8 RCW EMINENT DOMAIN**

### **Chapters**

8.04 **Eminent domain** by state.

8.08 **Eminent domain** by counties.

8.12 **Eminent domain** by cities.

8.16 **Eminent domain** by school districts.

8.20 **Eminent domain** by corporations.

8.24 Private ways of necessity.

8.25 Additional provisions applicable to **eminent domain** proceedings.

8.26 Relocation assistance -- Real property acquisition policy.

## 8.28 Miscellaneous provisions.

### NOTES:

Access to state timber and other valuable material: RCW 79.36.310 through 79.36.340.

Assessments against public lands: RCW 79.44.140.

Cemetery districts: RCW 68.52.200.

Community renewal law: RCW 35.81.080.

Diking and drainage districts

appropriation of lands: RCW 85.05.070, 85.05.230, 85.05.240, 85.06.070.

in two or more counties: RCW 85.24.260 through 85.24.265.

special districts: RCW 85.38.180.

Diking, drainage, and sewerage improvement districts: RCW 85.08.190.

Drainage districts: Chapter 85.06 RCW.

East capitol site: RCW 79.24.520.

### **Eminent domain**

affecting corporations other than municipal: State Constitution Art. 12 § 10.

state Constitution Art. 1 § 16 (Amendment 9).

telegraph and telephone companies: State Constitution Art. 12 § 19.

Existing and additional toll bridges: RCW 47.58.080.

Fire protection districts: Chapters 52.04, 52.12 RCW.

Flood control districts: RCW 86.09.202 through 86.09.223.

Gas companies: RCW 80.28.220, 80.28.230.

Generation of electricity by steam: RCW 43.21A.616.

Highways, acquisition in advance of programmed construction: RCW 47.12.190.

Housing authority: RCW 35.82.070, 35.82.110.

Limited access facilities, acquisition of property for: RCW 47.52.050.

Metropolitan municipal corporations: RCW 35.58.320.

Municipal airports: RCW 14.07.020.

Park and playground systems -- Counties, service area: Chapter 36.68 RCW.



Parking commission: RCW 35.86A.080.

Port districts: RCW 53.08.010, 53.08.020, 53.25.100, 53.25.190.

Public hospital districts: RCW 70.44.060.

Public stadium, convention, performing arts, and visual arts facilities: RCW 67.28.140.

Public utility districts: Chapters 54.16, 54.20 RCW.

Public waterways: RCW 91.08.100 through 91.08.260.

Reclamation districts: RCW 89.30.130, 89.30.184 through 89.30.208.

Recreational facilities: RCW 67.20.010.

Regional transport authorities: RCW 81.112.080.

Road improvement districts: RCW 36.88.310.

State board for community and technical colleges: RCW 28B.50.090.

Tax lien, amount withheld from condemnation award: RCW 84.60.050.

Toll bridges: RCW 47.56.090.

Toll roads: RCW 47.56.090.

Underground storage of natural gas: RCW 80.40.030.

Utility district, county-wide -- Distribution properties: RCW 54.32.040.

Valuation: Chapters 84.33, 84.34, 84.36, 84.38 RCW.

Warehouses and elevators: Chapter 22.16 RCW.

Water-sewer districts: Chapter 57.16 RCW.

## Chapter 8.04 RCW EMINENT DOMAIN BY STATE

### RCW SECTIONS

8.04.010 Petition for appropriation -- Contents.

8.04.020 Notice -- Contents -- Service -- Publication.

8.04.060 Adjournment of proceedings -- Further notice.

8.04.070 Hearing -- Order adjudicating public use.

- 8.04.080 Order to direct determination of damages and offsetting benefits.
- 8.04.090 Order for immediate possession -- Payment of tender into court.
- 8.04.092 Determination of adequacy of payment -- Jury trial -- Costs.
- 8.04.094 Demand for trial -- Time of trial -- Decree of appropriation.
- 8.04.097 Acquisition when several ownerships.
- 8.04.098 Acquisition when several ownerships -- Public use.
- 8.04.099 Acquisition when several ownerships -- Selection of single jury.
- 8.04.100 Cases may be consolidated for trial.
- 8.04.110 Trial -- Damages to be found.
- 8.04.112 Damages to buildings.
- 8.04.114 Damages to buildings -- Where based on readjustment or moving.
- 8.04.120 Judgment -- Decree of appropriation -- Recording.
- 8.04.130 Payment of damages -- Effect -- Costs -- Appellate review.
- 8.04.140 Claimants, payment of -- Conflicting claims.
- 8.04.150 Appellate review.
- 8.04.160 Award, how paid into court.
- 8.04.170 Condemnation for military purposes.
- 8.04.180 Condemnation for military purposes -- Construction.
- 8.04.191 Appointment of guardian ad litem for minors, alleged incapacitated persons -- Protection of interests.

## NOTES:

Additional provisions applicable to **eminent domain** proceedings: Chapter 8.25 RCW.

City streets as state highways -- Rights of way: RCW 47.24.030.

Condemnation of blighted property: Chapter 35.80A RCW.

Department of ecology: RCW 43.21A.450, 43.21A.610 through 43.21A.642.

Department of fish and wildlife -- Acquisition of property -- Condemnation -- When authorized: RCW 77.12.037.

Department of transportation -- Airports, facilities: RCW 47.68.100, 47.68.120.

Joint operating agency: RCW 43.52.391.

Mt. St. Helens recovery -- Department of transportation: RCW 43.01.210.

Parks and recreation commission: RCW 79A.05.030(7).

Puget Sound ferry and toll bridge system: RCW 47.60.020.

Quinalt Tribal Highway: RCW 47.20.725.

Relocation assistance: Chapter 8.26 RCW.

State agency housing: RCW 43.82.030.

State highways: Chapter 47.12 RCW.

Tidelands, shorelands, oyster reserves -- Department of natural resources: RCW 79.110.350.

---

## **Chapter 8.08 RCW EMINENT DOMAIN BY COUNTIES**

### **RCW SECTIONS**

8.08.010 Condemnation authorized for general county purposes -- Petition.

8.08.020 Public use declared.

8.08.030 Notice of presentation of petition.

8.08.040 Hearing -- Order adjudicating public use.

8.08.050 Trial -- Damages to be found.

8.08.060 Judgment -- Decree of appropriation.

8.08.070 Costs.

8.08.080 Appellate review.

8.08.090 Appropriation authorized in aid of federal or state improvement.

8.08.100 Mode of appropriation.

8.08.110 Tax levy to pay costs.

8.08.120 Indebtedness is for general county purposes.

8.08.130 Limitation.

8.08.140 Condemnation for military purposes.

8.08.141 Condemnation for military purposes -- Construction.

8.08.150 Appointment of guardian ad litem for minors, alleged incapacitated persons -- Protection of interests.

### **NOTES:**

Additional provisions applicable to **eminent domain** proceedings: Chapter 8.25 RCW.

Contracts with cities: RCW 36.64.070.

County rail districts: RCW 36.60.070.

Fairs: RCW 36.37.020.

Flood control by counties: RCW 86.12.020.

Irrigation purposes: RCW 87.03.140 through 87.03.150.

Land registration: RCW 65.12.400, 65.12.610.

Limited access facilities: RCW 47.52.050.

Local improvement districts: RCW 36.69.270, 36.94.240.

Relocation assistance: Chapter 8.26 RCW.

River improvements: RCW 86.12.020.

Roads, bridges

powers of county commissioners: RCW 36.75.040.

rights-of-way: RCW 36.85.010, 36.85.020.

service districts: RCW 36.83.090.

Transportation benefit districts: RCW 36.73.130.

Utility local improvement districts: RCW 36.94.240.

Wharves and landings: RCW 88.24.070.

## **RCW 8.08.100**

### **Mode of appropriation.**

The right of **eminent domain** for the purposes intended in RCW 8.08.090 through 8.08.130 is hereby extended to all counties in this state and every such county for any purpose of condemnation, appropriation or disposition such as is mentioned in RCW 8.08.090 is hereby authorized and empowered to condemn and appropriate all necessary lands and all rights, properties and interests in or appurtenant to land under the same procedure as is or shall be provided by the laws of this state for the case of any similar condemnation or appropriation by other corporations.

[1895 c 2 § 3; RRS § 903.]

## **RCW 8.12.240**

### **Petition for assessment -- Appointment of commissioners.**

Such city may file in the same proceeding a supplementary petition, praying the court that an assessment be made for the purpose of raising an amount necessary to pay the compensation and damages which may [be] or shall have been awarded for the property taken or damaged, with costs of the proceedings, or for such part thereof as the ordinance shall provide. The said court shall thereupon appoint three competent persons as commissioners to make such assessment, or if there be a board of **eminent domain** commissioners of such city, appointed under the provisions of this chapter, said proceeding for

assessment shall be referred to said board. Said commissioners shall include in such assessment the compensation and damages which may [be] or shall have been awarded for the property taken or damaged, with all costs and expenses of the proceedings incurred to the time of their appointment, or to the time when said proceeding was referred to them, together with the probable further costs and expenses of the proceedings, including therein the estimated costs of making and collecting such assessment.

[1907 c 153 § 20; RRS § 9234. Prior: 1905 c 55 § 20; 1893 c 84 § 20.]

---

## **RCW 8.12.260**

### **Appointment of board of eminent domain commissioners -- Terms of office.**

At any time after June 11, 1907, any such city may petition the superior court of the county in which said city is situated, that a board of **eminent domain** commissioners be appointed to make assessments in all condemnation proceedings instituted by such city. Said superior court shall thereupon, by order duly entered in its records, appoint three competent persons as commissioners who shall be known as and who shall constitute the "board of **eminent domain** commissioners of the city of . . .," and who shall thereafter make assessments in all condemnation proceedings instituted by such city. The order of the court shall provide that one of the members of such board shall serve for one year, one for two years and one for three years, from the date of their appointment and until their successors are appointed and qualified. Annually thereafter, said superior court shall appoint one such person as such commissioner, whose term shall begin on the same day of the month on which the first order of appointment was made and continue for three years thereafter and until his successor is appointed and qualified. If any commissioner shall be disqualified in any proceeding by reason of interest, or for any other reason, said superior court shall appoint some other competent person to act in his place in such proceeding.

[1907 c 153 § 21; RRS § 9235. Prior: 1905 c 55 § 21; 1893 c 84 § 21.]

---

## **Chapter 8.16 RCW EMINENT DOMAIN BY SCHOOL DISTRICTS**

### **RCW SECTIONS**

8.16.010 Condemnation authorized for schoolhouse sites.

8.16.020 Petition -- Contents.

8.16.030 Notice of petition -- Service.

8.16.040 Adjournment of proceedings -- Further notice.

8.16.050 Hearing -- Finding of necessity -- Setting for trial.

8.16.060 Impaneling of jury.

8.16.070 Trial -- View by jury.

8.16.080 Verdict.

8.16.090 Ten jurors may render verdict.

8.16.100 Waiver of jury.

8.16.110 Judgment -- Payment of award -- Decree of appropriation.

- 8.16.120 Costs.
- 8.16.130 Appellate review.
- 8.16.140 Appeal does not delay possession if award paid.
- 8.16.150 Designation of parties -- Fees.
- 8.16.160 Appointment of guardian ad litem for minors, alleged incapacitated persons -- Protection of interests.

**NOTES:**

Acreage limitation with respect to district's power of **eminent domain**: RCW 28A.335.220.

Additional provisions relating to **eminent domain** proceedings: Chapter 8.25 RCW.

---

**Chapter 8.20 RCW  
EMINENT DOMAIN BY CORPORATIONS**

**RCW SECTIONS**

- 8.20.010 Petition for appropriation -- Contents.
- 8.20.020 Notice -- Contents -- Service -- Publication.
- 8.20.060 Adjournment of proceedings -- Further notice.
- 8.20.070 Adjudication of public use or private way of necessity.
- 8.20.080 Trial, how conducted.
- 8.20.090 Judgment -- Decree of appropriation -- Recording.
- 8.20.100 Payment of damages -- Effect -- Appellate review.
- 8.20.110 Claimants, payment of -- Conflicting claims.
- 8.20.120 Appellate review.
- 8.20.130 Prosecution of work pending appeal -- Bond.
- 8.20.140 Appropriation of railway right-of-way through canyon, pass, or defile.
- 8.20.150 Prior entry with consent -- Condemnation avoids ouster.
- 8.20.160 Three-year occupancy -- Condemnation avoids ouster.
- 8.20.170 Suit for compensation by owner equivalent to condemnation.
- 8.20.180 Appointment of guardian ad litem for minors, alleged incapacitated persons -- Protection of interests.

**NOTES:**

Additional provisions relating to **eminent domain** proceedings: Chapter 8.25 RCW.

Corporations, certain types: RCW 81.36.010.

Corporations conveying water: RCW 90.16.100.

Easements over public lands: Chapter 79.36 RCW.

Electric light and power companies: RCW 80.32.060 through 80.32.080.

**Eminent domain** affecting corporations other than municipal: State Constitution Art. 12 § 10.

Gas and oil pipelines: RCW 81.88.020.

Grade crossing eliminations, appropriation for: RCW 81.53.180.

Mining companies: RCW 78.04.010.

Railroad companies, appropriation by: RCW 81.36.010.

Railroads, rights of way: RCW 81.52.040, 81.53.180.

State university -- Rights-of-way to railroads: RCW 28B.20.330.

Street and electric railroads: RCW 81.64.040.

Telecommunications companies: RCW 80.36.010, State Constitution Art. 12 § 19.

Underground natural gas storage: RCW 80.40.030, 80.40.040.

Water power companies: RCW 90.16.030.

### **Chapter 8.25 RCW**

## **ADDITIONAL PROVISIONS APPLICABLE TO EMINENT DOMAIN PROCEEDINGS**

### **RCW SECTIONS**

8.25.010 Pretrial statement of compensation to be paid in event of settlement.

8.25.020 Payment to defray costs of evaluating offer -- Amount.

8.25.070 Award of attorney's fees and witness fees to condemnee -- Conditions to award.

8.25.073 Award of costs in air space corridor acquisitions -- Conditions.

8.25.075 Costs -- Award to condemnee or plaintiff -- Conditions.

8.25.120 Conclusions of appraisers -- Order for production and exchange between parties.

8.25.200 Acquisition of property subject to unpaid or delinquent local improvement assessments -- Payment.

8.25.210 Special benefits to remaining property -- Purpose.

8.25.220 Special benefits to remaining property -- Options -- Election by owner -- Consent to creation of lien.

8.25.230 Special benefits to remaining property -- Satisfaction or release of lien -- Trial -- Expiration

of lien by operation of law.

8.25.240 Special benefits to remaining property -- Judgment -- Maximum amounts -- Offsets -- Interest.

8.25.250 Special benefits to remaining property -- Attorney fees -- Witness fees.

8.25.260 Special benefits to remaining property -- Lien foreclosure proceedings -- Stay.

8.25.270 Appointment of guardian ad litem for minors, alleged incapacitated persons -- Protection of interests.

8.25.280 Valuation of public water systems.

## NOTES:

Publication of notice: RCW 4.28.120.

### RCW 8.25.020

#### Payment to defray costs of evaluating offer -- Amount.

There shall be paid by the condemnor in respect of each parcel of real property acquired by **eminent domain** or by consent under threat thereof, in addition to the fair market value of the property, a sum equal to the various expenditures actually and reasonably incurred by those with an interest or interests in said parcel in the process of evaluating the condemnor's offer to buy the same, but not to exceed a total of seven hundred fifty dollars. In the case of multiple interests in a parcel, the division of such sum shall be determined by the court or by agreement of the parties.

[1999 c 52 § 1; 1967 ex.s. c 137 § 1; 1965 ex.s. c 125 § 2.]

### RCW 8.25.070

#### Award of attorney's fees and witness fees to condemnee -- Conditions to award.

(1) Except as otherwise provided in subsection (3) of this section, if a trial is held for the fixing of the amount of compensation to be awarded to the owner or party having an interest in the property being condemned, the court shall award the condemnee reasonable attorney's fees and reasonable expert witness fees in the event of any of the following:

(a) If condemnor fails to make any written offer in settlement to condemnee at least thirty days prior to commencement of said trial; or

(b) If the judgment awarded as a result of the trial exceeds by ten percent or more the highest written offer in settlement submitted to those condemnees appearing in the action by condemnor in effect thirty days before the trial.

(2) The attorney general or other attorney representing a condemnor in effecting a settlement of an **eminent domain** proceeding may allow to the condemnee reasonable attorney fees.

(3) Reasonable attorney fees and reasonable expert witness fees authorized by this section shall be awarded only if the condemnee stipulates, if requested to do so in writing by the condemnor, to an order of immediate possession and use of the property being condemned within thirty days after receipt of the written request, or within fifteen days after the entry of an order adjudicating public use whichever is



later and thereafter delivers possession of the property to the condemnor upon the deposit in court of a warrant sufficient to pay the amount offered as provided by law. In the event, however, the condemnor does not request the condemnee to stipulate to an order of immediate possession and use prior to trial, the condemnee shall be entitled to an award of reasonable attorney fees and reasonable expert witness fees as authorized by subsections (1) and (2) of this section.

(4) Reasonable attorney fees as authorized in this section shall not exceed the general trial rate, per day customarily charged for general trial work by the condemnee's attorney for actual trial time and his or her hourly rate for preparation. Reasonable expert witness fees as authorized in this section shall not exceed the customary rates obtaining in the county by the hour for investigation and research and by the day or half day for trial attendance.

(5) In no event may any offer in settlement be referred to or used during the trial for any purpose in determining the amount of compensation to be paid for the property.

[1984 c 129 § 1; 1971 ex.s. c 39 § 3; 1967 ex.s. c 137 § 3.]

#### NOTES:

Court appointed experts: **Rules of court:** ER 706.

#### **RCW 8.26.010**

##### **Purposes and scope.**

(1) The purposes of this chapter are:

(a) To establish a uniform policy for the fair and equitable treatment of persons displaced as a direct result of public works programs of the state and local governments in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons;

(b) To encourage and expedite the acquisition of real property for public works programs by agreements with owners, to reduce litigation and relieve congestion in the courts, to assure consistent treatment for owners affected by state and local programs, and to promote public confidence in state and local land acquisition practices.

(2) Notwithstanding the provisions and limitations of this chapter requiring a local public agency to comply with the provisions of this chapter, the governing body of any local public agency may elect not to comply with the provisions of RCW 8.26.035 through 8.26.115 in connection with a program or project not receiving federal financial assistance. Any person who has the authority to acquire property by **eminent domain** under state law may elect not to comply with RCW 8.26.180 through 8.26.200 in connection with a program or project not receiving federal financial assistance.

(3) Any determination by the head of a state agency or local public agency administering a program or project as to payments under this chapter is subject to review pursuant to chapter 34.05 RCW; otherwise, no provision of this chapter may be construed to give any person a cause of action in any court.

(4) Nothing in this chapter may be construed as creating in any condemnation proceedings brought under the power of **eminent domain**, any element of value or of damage not in existence immediately before March 16, 1988.

[1988 c 90 § 1; 1971 ex.s. c 240 § 1.]

## NOTES:

**Section captions -- 1988 c 90:** "Section captions and part divisions in this act do not constitute any part of the law." [1988 c 90 § 19.]

---

### RCW 8.26.020

#### Definitions.

As used in this chapter:

(1) The term "state" means any department, commission, agency, or instrumentality of the state of Washington.

(2) The term "local public agency" applies to any county, city or town, or other municipal corporation or political subdivision of the state and any person who has the authority to acquire property by **eminent domain** under state law, or any instrumentality of any of the foregoing.

(3) The term "person" means any individual, partnership, corporation, or association.

(4)(a) The term "displaced person" means, except as provided in (c) of this subsection, any person who moves from real property, or moves his personal property from real property:

(i) As a direct result of a written notice of intent to acquire, or the acquisition of, such real property in whole or in part for a program or project undertaken by a displacing agency; or

(ii) On which the person is a residential tenant or conducts a small business, a farm operation, or a business defined in this section, as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a displacing agency in any case in which the displacing agency determines that the displacement is permanent.

(b) Solely for the purposes of RCW 8.26.035 (1) and (2) and 8.26.065, the term "displaced person" includes any person who moves from real property, or moves his personal property from real property:

(i) As a direct result of a written notice of intent to acquire, or the acquisition of, other real property in whole or in part on which the person conducts a business or farm operation, for a program or project undertaken by a displacing agency; or

(ii) As a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, of other real property on which the person conducts a business or a farm operation, under a program or project undertaken by a displacing agency where the displacing agency determines that the displacement is permanent.

(c) The term "displaced person" does not include:

(i) A person who has been determined, according to criteria established by the lead agency, to be either unlawfully occupying the displacement dwelling or to have occupied the dwelling for the purpose of obtaining assistance under this chapter; or

(ii) In any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of the property at the time it was acquired) who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.

(5) The term "business" means any lawful activity, excepting a farm operation, conducted primarily:

(a) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization; or

(d) Solely for the purposes of RCW 8.26.035, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(6) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or for home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(7) The term "comparable replacement dwelling" means any dwelling that is (a) decent, safe, and sanitary; (b) adequate in size to accommodate the occupants; (c) within the financial means of the displaced person; (d) functionally equivalent; (e) in an area not subject to unreasonably adverse environmental conditions; and (f) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

(8) For purposes of RCW 8.26.180 through 8.26.200, the term "acquiring agency" means:

(a) A state agency or local public agency that has the authority to acquire property by **eminent domain** under state law; or

(b) Any state agency, local public agency, or person that (i) does not have the authority to acquire property by **eminent domain** under state law and (ii) has been designated an "acquiring agency" under rules adopted by the lead agency. However, the lead agency may only designate a state agency, local public agency, or a person as an "acquiring agency" to the extent that it is necessary in order to qualify for federal financial assistance.

(9) The term "displacing agency" means the state agency, local public agency, or any person carrying out a program or project, with federal or state financial assistance, that causes a person to be a displaced person.

(10) The term "federal financial assistance" means a grant, loan, or contribution provided by the United States, except any federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.

(11) The term "mortgage" means such classes of liens as are commonly given to secure advances on,

or the unpaid purchase price of, real property, under the laws of this state, together with the credit instruments, if any, secured thereby.

(12) The term "lead agency" means the Washington state department of transportation.

(13) The term "appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

[2003 c 254 § 1; 1988 c 90 § 2; 1972 ex.s. c 34 § 1; 1971 ex.s. c 240 § 2.]

## NOTES:

**Section captions -- 1988 c 90:** See note following RCW 8.26.010.

**Application -- 1972 ex.s. c 34:** "Sec. 2. The amendatory language contained in section 1 of this 1972 amendatory act shall apply only to persons displaced after the effective date of this 1972 amendatory act [February 20, 1972]." [1972 ex.s. c 34 § 2.]

---

## RCW 8.26.180

### Acquisition procedures.

Every acquiring agency shall, to the greatest extent practicable, be guided by the following policies:

(1) Every reasonable effort shall be made to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany at least one appraiser of the acquiring agency during his inspection of the property, except that the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition of property with a low fair market value.

(3) Before the initiation of negotiations for real property, the acquiring agency shall establish an amount which it believes to be just compensation therefor, and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of the real property to be acquired prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The acquiring agency shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. Where appropriate the just compensation for the real property acquired, for damages to remaining real property, and for benefits to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the agreed purchase price is paid or deposited with a court having jurisdiction of condemnation of such property, in accordance with applicable law, for the benefit of the owner an amount not less than the acquiring agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding of such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least ninety days written notice of the date by which such move is required.

(6) If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term or for a period subject to termination on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the time \*of condemnation be advanced, on negotiations or condemnation and the deposit of funds in court for the use of the owner be deferred, or any other coercive action be taken to compel an agreement on the price to be paid for the property.

(8) If an interest in real property is to be acquired by exercise of the power of **eminent domain**, formal condemnation proceedings shall be instituted. The acquiring agency shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the agency concerned shall offer to acquire that remnant. For the purposes of this chapter, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and that the head of the agency concerned has determined has little or no value or utility.

(10) A person whose real property is being acquired in accordance with this chapter may, after the person has been fully informed of his right to receive just compensation for the property, donate the property, any part thereof, any interest therein, or any compensation paid for it to any agency as the person may determine.

[1988 c 90 § 12; 1971 ex.s. c 240 § 18.]

#### NOTES:

**\*Reviser's note:** The word "or" may have been intended. The language of subsection (7) of this section apparently reflects similar language found in 49 C.F.R. 24.102(h).

**Section captions -- 1988 c 90:** See note following RCW 8.26.010.

---

#### RCW 8.28.030

##### Notice where military land is involved.

Whenever any land, real estate, premises or other property owned by the state of Washington and used for military purposes shall be involved in or affected by any **eminent domain**, condemnation, local improvement or other special assessment proceeding whatsoever, in addition to the notices elsewhere provided by law, the officer or board required by law to give notice of such proceedings shall cause to be served upon the adjutant general at least twenty days in advance of any hearing therein, a written notice, setting forth the nature of the proceedings, the description of such state property sought to be involved therein or affected thereby and the amount of the proposed assessment therein.

[1917 c 107 § 125; RRS § 8600.]

## NOTES:

Condemnation for military purposes: RCW 8.04.170, 8.04.180.

### RCW 8.28.040

#### Interest on verdict fixed -- Suspension during pendency of appeal.

Whenever in any **eminent domain** proceeding, heretofore or hereafter instituted for the taking or damaging of private property, a verdict shall have been returned by the jury, or by the court if the case be tried without a jury, fixing the amount to be paid as compensation for the property so to be taken or damaged, such verdict shall bear interest at the maximum rate of interest permitted at that time under RCW 19.52.020 from the date of its entry to the date of payment thereof: PROVIDED, That the running of such interest shall be suspended, and such interest shall not accrue, for any period of time during which the entry of final judgment in such proceeding shall have been delayed solely by the pendency of an appeal taken in such proceeding.

[1984 c 129 § 2; 1943 c 28 § 1; Rem. Supp. 1943 § 936-4.]

### RCW 11.104A.130

#### Principal receipts.

A trustee shall allocate to principal:

- (1) To the extent not allocated to income under this chapter, assets received from a transferor during the transferor's lifetime, a decedent's estate, a trust with a terminating income interest, or a payer under a contract naming the trust or its trustee as beneficiary;
- (2) Money or other property received from the sale, exchange, liquidation, or change in form of a principal asset, including realized profit, subject to this article;
- (3) Amounts recovered from third parties to reimburse the trust because of disbursements described in RCW 11.104A.260(a)(7) or for other reasons to the extent not based on the loss of income;
- (4) Proceeds of property taken by **eminent domain**, but a separate award made for the loss of income with respect to an accounting period during which a current income beneficiary had a mandatory income interest is income;
- (5) Net income received in an accounting period during which there is no beneficiary to whom a trustee may or must distribute income; and
- (6) Other receipts as provided in Part 3 of this article.

[2002 c 345 § 404.]

## Chapter 14.07 RCW MUNICIPAL AIRPORTS -- 1941 ACT

## RCW SECTIONS

- 14.07.010 General powers -- Municipal purpose and public use.
- 14.07.020 Acquisition of property -- **Eminent domain** -- Exemption.
- 14.07.030 Appropriation of money or conveyance of property to other municipalities.
- 14.07.040 Acts ratified and confirmed -- Chapter cumulative.

### NOTES:

Lease of property for airport purposes  
 county property: RCW 36.34.180.  
 port district property: RCW 53.08.080.

Municipal airports -- 1945 act: Chapter 14.08 RCW.

---

### RCW 14.07.020

#### Acquisition of property -- Eminent domain -- Exemption.

Such municipalities may also acquire by purchase, condemnation or lease, lands and other property for said purpose and dispose of such lands and other property, including property acquired by tax foreclosure proceedings, by sale or gift for public use to any city, town, port district, county, the state of Washington or the United States of America. Any city, town, port district and county is hereby empowered to acquire lands and other property for said purpose by the exercise of the power of **eminent domain** under the procedure that is or shall be provided by law for the condemnation and appropriation of private property for any of their respective corporate uses, and no property shall be exempt from such condemnation, appropriation or disposition by reason of the same having been or being dedicated, appropriated, or otherwise held to public use: PROVIDED, HOWEVER, That nothing in this chapter shall authorize or entitle any city, town, port district or county to acquire by **eminent domain** any site or other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes, and seaplanes for aerial transportation of persons, property, mail or military or naval aircraft, now or hereafter owned by any other city, town, port district or county.

[1941 c 21 § 2; Rem. Supp. 1941 § 2722-9. Prior: 1933 ex.s. c 3 § 1; 1929 c 93 § 1; 1919 c 48 § 1.]

---

## Chapter 14.08 RCW MUNICIPAL AIRPORTS -- 1945 ACT

## RCW SECTIONS

- 14.08.010 Definition -- "Municipality."
- 14.08.015 Definitions.
- 14.08.020 Airports a public purpose.
- 14.08.030 Acquisition of property and easements -- **Eminent domain** -- Encroachments prohibited.
- 14.08.070 Prior acquisition of airport property validated.
- 14.08.080 Method of defraying cost.

- 14.08.090 Issuance of bonds -- Security.
- 14.08.100 Raising of funds and disposition of revenue.
- 14.08.112 Revenue bonds authorized -- Purpose -- Special fund -- Redemption.
- 14.08.114 Issuance of funding or refunding bonds authorized.
- 14.08.116 Port district revenue bond financing powers not repealed or superseded.
- 14.08.118 Revenue warrants authorized.
- 14.08.120 Specific powers of municipalities operating airports.
- 14.08.122 Adoption of regulations by airport operator for airport rental and use and collection of charges.
- 14.08.160 Federal aid.
- 14.08.190 Establishment of airports on waters and reclaimed land.
- 14.08.200 Joint operations.
- 14.08.290 County airport districts authorized.
- 14.08.300 Governing body of district.
- 14.08.302 Board of airport district commissioners -- Petition -- Order establishing.
- 14.08.304 Board of airport district commissioners -- Members -- Election -- Terms -- Expenses.
- 14.08.310 Assistance to other municipalities.
- 14.08.330 Jurisdiction of municipality over airport and facilities exclusive -- Concurrent jurisdiction over adjacent territory -- Fire code enforcement by agreement.
- 14.08.340 Interpretation and construction.
- 14.08.350 Severability -- 1945 c 182.
- 14.08.360 Short title.
- 14.08.370 Repeal.

## NOTES:

Lease of property for airport purposes  
 county property: RCW 36.34.180.  
 port district property: RCW 53.08.080.

Municipal airports -- 1941 act: Chapter 14.07 RCW.

## RCW 14.08.030

### Acquisition of property and easements -- Eminent domain -- Encroachments prohibited.

(1) Every municipality is hereby authorized, through its governing body, to acquire property, real or personal, for the purpose of establishing, constructing, and enlarging airports and other air navigation facilities and to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate such airports and other air navigation facilities and structures and other property incidental to their operation, either within or without the territorial limits of such municipality and within or without this state; to make, prior to any such acquisition, investigations, surveys, and plans; to construct, install and



maintain airport facilities for the servicing of aircraft and for the comfort and accommodation of air travelers; and to purchase and sell equipment and supplies as an incident to the operation of its airport properties. It may not, however, acquire or take over any airport or other air navigation facility owned or controlled by any other municipality of the state without the consent of such municipality. It may use for airport purposes any available property that is now or may at any time hereafter be owned or controlled by it. Such air navigation facilities as are established on airports shall be supplementary to and coordinated in design and operation with those established and operated by the federal and state governments.

(2) Property needed by a municipality for an airport or restricted landing area, or for the enlargement of either, or for other airport purposes, may be acquired by purchase, gift, devise, lease or other means if such municipality is able to agree with the owners of said property on the terms of such acquisition, and otherwise by condemnation in the manner provided by the law under which such municipality is authorized to acquire like property for public purposes, full power to exercise the right of **eminent domain** for such purposes being hereby granted every municipality both within and without its territorial limits. If but one municipality is involved and the charter of such municipality prescribes a method of acquiring property by condemnation, proceedings shall be had pursuant to the provisions of such charter and may be followed as to property within or without its territorial limits. Any title to real property so acquired shall be in fee simple, absolute and unqualified in any way. The fact that the property needed has been acquired by the owner under power of **eminent domain**, shall not prevent its acquisition by the municipality by the exercise of the right of **eminent domain** herein conferred.

(3) Where necessary, in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports or restricted landing areas acquired or operated under the provisions of this chapter, every municipality is authorized to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air spaces over land or water, interests in airport hazards outside the boundaries of the airports or restricted landing areas and such other airport protection privileges as are necessary to insure safe approaches to the landing areas of said airports or restricted landing areas and the safe and efficient operation thereof. It is also hereby authorized to acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress and egress to or from such airport hazards, for the purpose of maintaining and repairing such lights and marks. This authority shall not be so construed as to limit any right, power or authority to zone property adjacent to airports and restricted landing areas under the provisions of any law of this state.

(4) It shall be unlawful for anyone to build, rebuild, create, or cause to be built, rebuilt, or created any object, or plant, cause to be planted or permit to grow higher any tree or trees or other vegetation, which shall encroach upon any airport protection privileges acquired pursuant to the provisions of this section. Any such encroachment is declared to be a public nuisance and may be abated in the manner prescribed by law for the abatement of public nuisances, or the municipality in charge of the airport or restricted landing area for which airport protection privileges have been acquired as in this section provided may go upon the land of others and remove any such encroachment without being liable for damages in so doing.

[1945 c 182 § 2; Rem. Supp. 1945 § 2722-31. Formerly RCW 14.08.030, 14.08.040, 14.08.050, and 14.08.060.]

#### NOTES:

**Reviser's note:** Caption for 1945 c 182 § 2, reads as follows: "Municipalities may acquire airports."

---

**Title 22 RCW**  
**WAREHOUSING AND DEPOSITS**

**Chapters**

- 22.09 Agricultural commodities.
  - 22.16 Warehouses and elevators -- **Eminent domain.**
  - 22.28 Safe deposit companies.
  - 22.32 General penalties.
- 

**Chapter 22.16 RCW**  
**WAREHOUSES AND ELEVATORS -- EMINENT DOMAIN**

**RCW SECTIONS**

- 22.16.010 Right of **eminent domain** extended.
- 22.16.020 Right of entry.
- 22.16.030 Extent of appropriation.
- 22.16.040 Limitations on right -- Finding of public necessity.

**NOTES:**

**Reviser's note:** The term "director of the department of agriculture" has been substituted for "public service commission" in this chapter since the powers and duties of the commission devolved upon the director of agriculture by virtue of 1921 c 7 § 90, 1921 c 137 §§ 1, 2, 1921 c 145 § 8, and 1937 c 90 § 10.

---

**RCW 22.16.010**  
**Right of eminent domain extended.**

The right of **eminent domain** is hereby extended to corporations incorporated or that may hereafter be incorporated under the laws of this state, or of any other state or territory and qualified to transact business in this state for the purpose of acquiring, owning or operating public warehouses or elevators for storing and handling grain, produce and other agricultural commodities which may desire to secure warehouse or elevator sites or rights of way for roadways leading to and from the same or for wharves or boat landings on navigable waters and all other purposes incident to and connected with the business conducted by such warehouse or elevator.

[1919 c 98 § 1; RRS § 11566.]

---

**RCW 22.16.030**  
**Extent of appropriation.**

Every such corporation shall have the right to appropriate real estate and other property for any or all of the said purposes and under the same procedure as now is or may be hereafter provided by law, in the

case of other corporations authorized by the laws of this state to exercise the right of **eminent domain**.

[1919 c 98 § 3; RRS § 11568.]

---

## Chapter 28A.335 RCW SCHOOL DISTRICTS' PROPERTY

### RCW SECTIONS

- 28A.335.010 School buildings, maintenance, furnishing and insuring.
- 28A.335.020 School closures -- Policy of citizen involvement required -- Summary of effects -- Hearings -- Notice.
- 28A.335.030 Emergency school closures exempt from RCW 28A.335.020.
- 28A.335.040 Surplus school property, rental, lease, or use of -- Authorized -- Limitations.
- 28A.335.050 Surplus school property, rental, lease or use of -- Joint use -- Compensation -- Conditions generally.
- 28A.335.060 Surplus school property -- Rental, lease or use of -- Disposition of moneys received from.
- 28A.335.070 Surplus school property, rental, lease or use of -- Existing contracts not impaired.
- 28A.335.080 Surplus school property, rental, lease or use of -- Community use not impaired.
- 28A.335.090 Conveyance and acquisition of property -- Management -- Appraisal.
- 28A.335.100 School district associations' right to mortgage or convey money security interest in association property -- Limitations.
- 28A.335.110 Real property -- Annexation to city or town.
- 28A.335.120 Real property -- Sale -- Notice and hearing -- Appraisal -- Broker or real estate appraiser services -- Real estate sales contracts -- Limitation.
- 28A.335.130 Real property -- Sale -- Use of proceeds.
- 28A.335.140 Expenditure of funds on county, city building authorized -- Conditions.
- 28A.335.150 Permitting use and rental of playgrounds, athletic fields or athletic facilities.
- 28A.335.155 Use of buildings for youth programs--Limited immunity.
- 28A.335.160 Joint educational facilities -- Rules.
- 28A.335.170 Contracts to lease building space and portable buildings, rent or have maintained security systems, computers, and other equipment, and provide pupil transportation services.
- 28A.335.180 Surplus texts and other educational aids, notice of availability -- Student priority as to texts.
- 28A.335.190 Advertising for bids -- Competitive bid procedures -- Purchases from inmate work programs -- Telephone or written quotation solicitation, limitations -- Emergencies.
- 28A.335.200 Conditional sales contracts for acquisition of property or property rights.
- 28A.335.205 Assistive devices -- Transfer for benefit of children with disabilities -- Record, inventory.

28A.335.210 Purchase of works of art -- Procedure.

28A.335.220 **Eminent domain.**

28A.335.230 Vacant school plant facilities -- Lease by contiguous district, when required -- Eligibility for matching funds.

28A.335.240 Schoolhouses, teachers' cottages -- Purchase of realty for district purposes.

28A.335.250 School property used for public purposes.

28A.335.260 School property used for public purposes -- Community buildings.

28A.335.270 School property used for public purposes -- Special state commission to pass on plans.

28A.335.280 School property used for public purposes -- Limit on expenditures.

28A.335.290 Housing for superintendent -- Authorized -- Limitation.

28A.335.300 Playground matting.

28A.335.320 Enhanced 911 service -- Common and public school service required.

28A.335.330 Chapter not applicable to certain transfers of property.

#### **NOTES:**

Chapter not to apply to certain materials printed in school districts: RCW 82.04.600.

Contracts with community service organizations for public improvements: RCW 35.21.278.

Determination if lands purchased or leased by school districts are used as school sites -- Reversion: RCW 79.17.140.

Dissolution of inactive port districts, assets to school districts: RCW 53.47.040.

Interlocal cooperation act: Chapter 39.34 RCW.

School districts, purchase of leased lands with improvements: RCW 79.17.110 through 79.17.130.

Subcontractors to be identified by bidder, when: RCW 39.30.060.

#### **RCW 28A.335.220**

##### **Eminent domain.**

The board of directors of any school district may proceed to condemn and appropriate not more than fifteen acres of land for any elementary school purpose; not more than twenty-five acres for any junior high school purpose; not more than forty acres for any senior high school purpose; except as otherwise provided by law, not more than seventy-five acres for any vocational technical school purpose; and not more than fifteen acres for any other school district purpose. Such condemnation proceedings shall be in accordance with chapters 8.16 and 8.25 RCW and such other laws of this state providing for appropriating private property for public use by school districts.

[1969 ex.s. c 223 § 28A.58.070. Prior: 1963 c 41 § 1; 1957 c 155 § 1; 1949 c 54 § 1; 1909 c 97 p 289 § 13; Rem. Supp. 1949 § 4788. Formerly RCW 28A.58.070, 28.58.070.]

---

**Chapter 28B.20 RCW**  
**UNIVERSITY OF WASHINGTON**

**RCW SECTIONS**

GENERAL

- 28B.20.010 Designation.
- 28B.20.020 Purpose.
- 28B.20.054 Credits -- Statewide transfer policy and agreement -- Establishment.
- 28B.20.055 "Major line" defined.
- 28B.20.057 Major lines common to University of Washington and Washington State University.
- 28B.20.060 Courses exclusive to University of Washington.
- 28B.20.095 University fees.
- 28B.20.100 Regents -- Appointment -- Terms -- Vacancies -- Quorum.
- 28B.20.105 Regents -- Organization and conduct of business -- Bylaws, rules and regulations -- Meetings.
- 28B.20.110 Regents -- Secretary -- Treasurer -- Duties -- Treasurer's bond.
- 28B.20.115 Regents -- Oaths.
- 28B.20.116 Regents -- Expenses.
- 28B.20.117 Regents -- Attorney general as advisor.
- 28B.20.130 Powers and duties of regents -- General.
- 28B.20.134 Powers and duties of regents -- Consent to sale of university granted lands.
- 28B.20.135 Powers and duties of regents -- Employment of architects, engineers, for construction of buildings and facilities.
- 28B.20.140 Powers and duties of regents -- Contracts for erection of buildings or improvements.
- 28B.20.145 Powers and duties of regents -- Regents' spending limited by income.
- 28B.20.200 Faculty -- Composition -- General powers.
- 28B.20.250 Liability coverage of university personnel and students -- Authorized -- Scope.
- 28B.20.253 Liability coverage of university personnel and students -- Self-insurance revolving fund.
- 28B.20.255 Liability coverage of university personnel and students -- As exclusive authority.
- 28B.20.277 Mathematics, engineering, and science achievement program -- Establishment and administration through university.
- 28B.20.279 High-technology education and training.
- 28B.20.280 Masters and doctorate level degrees in technology authorized -- Review by higher education coordinating board.
- 28B.20.283 Washington technology center -- Findings.
- 28B.20.285 Washington technology center -- Created -- Purpose.

- 28B.20.287 Washington technology center -- Definitions.
- 28B.20.289 Washington technology center -- Administration -- Board of directors.
- 28B.20.291 Washington technology center -- Support from participating institutions.
- 28B.20.293 Washington technology center -- Role of department of community, trade, and economic development.
- 28B.20.295 Washington technology center -- Availability of facilities to other institutions.
- 28B.20.296 Washington technology center -- Renewable energy and energy efficiency business development -- Strategic plan.
- 28B.20.297 Washington technology center -- Small business innovation research assistance program.
- 28B.20.298 Clean energy research, development, manufacturing, and marketing -- Findings--Policy.
- 28B.20.300 Schools of medicine, dentistry, and related health services -- Authorization.
- 28B.20.305 Schools of medicine, dentistry, and related health services -- Purpose.
- 28B.20.315 Drug testing laboratory -- Service -- Employees as expert witnesses, traveling expenses and per diem.
- 28B.20.320 Marine biological preserve -- Established and described -- Unlawful gathering of marine biological materials -- Penalty.
- 28B.20.328 Lease of lands with outdoor recreation potential -- Restrictions -- Unlawful to use posted lands.
- 28B.20.330 Rights-of-way to railroads and street car railways -- Conditions.
- 28B.20.332 Rights-of-way to railroads and street car railways -- Regents to make agreement.
- 28B.20.334 Rights-of-way to railroads and street car railways -- Form of deed -- Certified copy filed.
- 28B.20.336 Rights-of-way to railroads and street car railways -- Deed conveys conditional easement.
- 28B.20.340 University site dedicated for street and boulevard purposes -- Description.
- 28B.20.342 University site dedicated for street and boulevard purposes -- Local assessments barred against site.
- 28B.20.344 University site dedicated for street and boulevard purposes -- **Eminent domain** may not be exercised against site.
- 28B.20.350 1947 conveyance for arboretum and botanical garden purposes -- Description.
- 28B.20.352 1947 conveyance for arboretum and botanical garden purposes -- Deed of conveyance.
- 28B.20.354 1947 conveyance for arboretum and botanical garden purposes -- Part may be conveyed by regents to city of Seattle.
- 28B.20.356 1947 conveyance for arboretum and botanical garden purposes -- Reversion for unauthorized use -- Reconveyance for highway purposes.
- 28B.20.360 1939 conveyance of shorelands to university -- Description.
- 28B.20.362 1939 conveyance of shorelands to university -- Deed of conveyance.
- 28B.20.364 1939 conveyance of shorelands to university -- Grant for arboretum and botanical garden purposes -- Reversion for unauthorized use -- Reconveyance for highway purposes.
- 28B.20.370 Transfer of certain Lake Union shorelands to university.

28B.20.381 "University tract" defined.

28B.20.382 University tract -- Conditions for sale, lease, or lease renewal -- Inspection of records -- Deposit of proceeds -- University of Washington facilities bond retirement account.

28B.20.394 University tract -- Powers of regents -- Agreements to pay for governmental services.

28B.20.395 University tract -- Powers of regents, generally.

28B.20.396 University tract -- Bonding authority.

28B.20.398 University tract--Powers of regents -- Bond issuance -- Covenants -- Redemption -- Action for compliance.

#### SCHOLARSHIPS, FELLOWSHIPS, SPECIAL RESEARCH PROJECTS,

#### AND HOSPITAL

28B.20.410 Children's center for research and training in mental retardation -- Established.

28B.20.412 Children's center for research and training in mental retardation -- Administration.

28B.20.414 Children's center for research and training in mental retardation -- Purpose.

28B.20.420 Graduate scholarships for engineering research -- Established.

28B.20.422 Graduate scholarships for engineering research -- Studies published -- Direction of program -- Qualifications for candidates.

28B.20.440 University hospital.

28B.20.450 Occupational and environmental research facility -- Construction and maintenance authorized -- Purpose.

28B.20.452 Occupational and environmental research facility -- Industry to share costs.

28B.20.454 Occupational and environmental research facility -- Submission of industrial and occupational health problems to facility -- Availability of information.

28B.20.456 Occupational and environmental research facility -- Advisory committee.

28B.20.458 Occupational and environmental research facility -- Acceptance of loans, gifts, etc. -- Presentment of vouchers for payments from accident and medical aid funds.

28B.20.462 Warren G. Magnuson institute for biomedical research and health professions training -- Established.

28B.20.464 Warren G. Magnuson institute -- Purposes.

28B.20.466 Warren G. Magnuson institute -- Endowment fund earnings.

28B.20.468 Warren G. Magnuson institute -- Trust fund.

28B.20.470 Warren G. Magnuson institute -- State matching funds.

28B.20.472 Warren G. Magnuson institute -- Local endowment fund.

28B.20.500 Medical students from rural areas -- Admission preference.

#### FINANCING BUILDINGS AND FACILITIES -- 1957 ACT

28B.20.700 Construction, remodeling, improvement, financing, etc., authorized.

28B.20.705 Definitions.

28B.20.710 Contracts, issuance of evidences of indebtedness, acceptance of grants.

- 28B.20.715 Bonds -- Issuance, sale, form, term, interest, etc. -- Covenants -- Deposit of proceeds.
- 28B.20.720 University of Washington bond retirement fund -- Composition -- Pledge of building fees.
- 28B.20.721 Revenues derived from certain university lands deposited in University of Washington bond retirement fund.
- 28B.20.725 Additional powers of board -- Issuance of bonds, investments, transfer of funds, etc.
- 28B.20.730 Refunding bonds.
- 28B.20.735 Bonds not general obligations -- Legislature may provide additional means of payment.
- 28B.20.740 RCW 28B.20.700 through 28B.20.740 as concurrent with other laws.

#### MISCELLANEOUS

- 28B.20.745 Validation -- 1959 c 193.
- 28B.20.750 Hospital project bonds -- State general obligation bonds in lieu of revenue bonds.
- 28B.20.751 Hospital project bonds -- Amount authorized.
- 28B.20.752 Hospital project bonds -- Bond anticipation notes, authorized, payment.
- 28B.20.753 Hospital project bonds -- Form, terms, conditions, sale, and covenants for bonds and notes.
- 28B.20.754 Hospital project bonds -- Disposition of proceeds.
- 28B.20.755 Hospital project bonds -- Administration of proceeds from bonds and notes.
- 28B.20.756 Hospital project bonds -- 1975 University of Washington hospital bond retirement fund, created, purpose.
- 28B.20.757 Hospital project bonds -- Regents to accumulate moneys for bond payments.
- 28B.20.758 Hospital project bonds -- As legal investment for public funds.
- 28B.20.759 Hospital project bonds -- Prerequisite to issuance.
- 28B.20.770 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College.
- 28B.20.800 Revenues derived from certain university lands and income from university permanent fund deposited in University of Washington bond retirement fund -- Covenant.
- 28B.20.805 Revenues derived from certain university lands and income from university permanent fund deposited in University of Washington bond retirement fund -- Ratification of previous transfers.
- 28B.20.810 Revenues derived from certain university lands and income from university permanent fund deposited in University of Washington bond retirement fund -- Transfers of certain funds and investments from university permanent fund to University of Washington bond retirement fund and University of Washington building account.
- 28B.20.820 Revenues derived from certain university lands and income from university permanent fund deposited in University of Washington bond retirement fund -- RCW 79.64.040 not affected.

#### NOTES:

Acquisition of property, powers: RCW 28B.10.020.



Admission requirements: RCW 28B.10.050.

AIDS, education and training: Chapter 70.24 RCW.

Athletic printing and concessions, bids required: RCW 28B.10.640.

Board of regents, museum managed by: RCW 27.40.040.

Bond issue for buildings and projects: RCW 43.83.090 through 43.83.104.

Bond issue of 1977 for the refunding of outstanding limited obligation revenue bonds of institutions of higher education: Chapter 28B.14C RCW.

Bond issues for buildings and facilities: RCW 28B.10.300 through 28B.10.330.

Branch campuses -- Central Puget Sound area: RCW 28B.45.020.

British Columbia -- Tuition and fees -- Reciprocity with Washington: RCW 28B.15.756 and 28B.15.758.

#### Buildings and facilities

borrowing money for: RCW 28B.10.300(4).

no state liability: RCW 28B.10.330.

rate of interest: RCW 28B.10.325.

contracts for construction and installation: RCW 28B.10.300(1).

contracts to pay as rentals the costs of acquiring: RCW 28B.10.300(5).

lease of campus lands for: RCW 28B.10.300(3).

purchase or lease of land for: RCW 28B.10.300(2).

use of buildings and facilities acquired: RCW 28B.10.305.

Campus approach highway authorized: RCW 47.20.590.

acquisition of property for: RCW 47.20.600.

condemnation for: RCW 47.20.610.

measure of damage to buildings: RCW 47.20.620.

use declared public use: RCW 47.20.605.

sale of buildings and personalty acquired in acquisition of land: RCW 47.20.630.

Seattle city ordinance requisite: RCW 47.20.635.

Commercial activities by institutions of higher education -- Development of policies governing: Chapter 28B.63 RCW.

Corrections mental health center -- Collaborative arrangement with University of Washington: RCW 72.09.350.

County hospitals, contracts with state universities relating to medical services, teaching and research: RCW 36.62.290.

#### Courses, studies, and instruction

graduate work: RCW 28B.10.120.

physical education: RCW 28B.10.700.

Development of methods and protocols for measuring educational costs -- Schedule of educational cost study reports: RCW 28B.76.310.

**Eminent domain** by: RCW 28B.10.020.

Entrance requirements: RCW 28B.10.050.

Eye protection, public educational institutions: RCW 70.100.010 through 70.100.040.

Faculty members and employees  
annuity and retirement plans: RCW 28B.10.400 through 28B.10.423.  
insurance: RCW 28B.10.660.

Faculty members of institutions of higher education, remunerated professional leaves for: RCW 28B.10.650.

Fetal alcohol screening and assessment services: RCW 70.96A.500.

Flag, display: RCW 28B.10.030.

Forest products institute: Chapter 76.44 RCW.

Forestry  
demonstration forest and experiment station, exchange of granted lands for other lands for purposes of: RCW 79.17.030.  
institute of forest products: Chapter 76.44 RCW.

Funds  
university building fund, created: RCW 43.79.080.  
University of Washington fund abolished and moneys transferred to general fund: RCW 43.79.071.  
university permanent fund, created: RCW 43.79.060.  
university permanent fund, investment in regents' revenue bonds: RCW 43.84.140.  
university permanent fund, source: RCW 43.79.060.

Governing body of recognized student association at college or university, open public meetings act applicable to: RCW 42.30.200.

Highly capable students -- Early entrance program or transition school: RCW 28A.185.040.

Idaho -- Tuition and fees -- Reciprocity with Washington: RCW 28B.15.750 through 28B.15.754.

Institute of forest products: Chapter 76.44 RCW.

Insurance for officers; employees and students: RCW 28B.10.660.

Liquor revolving fund, alcoholism and drug abuse research, use for: RCW 66.08.180.

Museum, designated as state natural history and anthropology museum: RCW 27.40.010.

Olympic natural resources center: RCW 43.30.810.

Oregon -- Tuition and fees -- Reciprocity with Washington: RCW 28B.15.730 through 28B.15.736.

Parking facilities: RCW 28B.10.300.

Police force: RCW 28B.10.550 through 28B.10.567.

Real property

acquisition of authorized: RCW 28B.10.020.

demonstration forest and experiment station, exchange of granted lands for other lands for purposes of: RCW 79.17.030.

**eminent domain** by railroads and canal companies against: RCW 81.36.010.

sale of land or valuable materials fixing date of sale: RCW 79.11.120.

legislative or board of regents consent required for: RCW 79.11.010.

procedure: RCW 79.11.120.

state lands, included: RCW 79.02.010.

State building authority, projects authorized: Chapter 43.75 RCW.

Students

insurance: RCW 28B.10.660.

loan fund under national defense education act: RCW 28B.10.280.

Teachers

training courses for: RCW 28B.10.140.

use of district schools for training: RCW 28B.10.600 through 28B.10.605.

Toxicological laboratories: RCW 68.50.107.

Traffic regulations, penalty for violations: RCW 28B.10.560.

---

#### **RCW 28B.20.344**

**University site dedicated for street and boulevard purposes -- Eminent domain may not be exercised against site.**

The power of **eminent domain** of any municipal or other corporation whatever is hereby declared not to extend to any portion of said section 16, township 25 north, range 4 east, W.M., and blocks 7 and 8 of Lake Washington shorelands.

[1969 ex.s. c 223 § 28B.20.344. Prior: 1913 c 24 § 3. Formerly RCW 28.77.300.]

---

**RCW 28B.50.090****College board -- Powers and duties.**

The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the boards of trustees, prepare a single budget for the support of the state system of community and technical colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and work force literacy programs and services. However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding May 17, 1991;

(b) That each college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of the student's residence or because of the student's educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community or technical college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the college, or would, by his or her presence or conduct, create a disruptive atmosphere within the college not consistent with the purposes of the institution. This subsection (3)(b) shall not apply to competency, conduct, or presence associated with a disability in a person twenty-one years of age or younger attending a technical college;

(4) Prepare a comprehensive master plan for the development of community and technical college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate college facilities in all areas of the state. The master plan shall include implementation of the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education under RCW 28B.76.200 based on the community and technical college system's role and mission. The master plan shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities;

(5) Define and administer criteria and guidelines for the establishment of new community and technical colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community and technical colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) Standard admission policies,

(e) Eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community and technical colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community and technical college real and personal property, except such property as is received by a college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community and technical college system;

(13) In order that the treasurer for the state board for community and technical colleges appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community and technical colleges as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants,

conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(15) The college board shall have the power of **eminent domain**;

(16) Provide general supervision over the state's technical colleges. The president of each technical college shall report directly to the director of the state board for community and technical colleges, or the director's designee, until local control is assumed by a new or existing board of trustees as appropriate, except that a college president shall have authority over program decisions of his or her college until the establishment of a board of trustees for that college. The directors of the vocational-technical institutes on March 1, 1991, shall be designated as the presidents of the new technical colleges.

[2004 c 275 § 57; 2003 c 130 § 6; 1991 c 238 § 33; 1982 c 50 § 1; 1981 c 246 § 2; 1979 c 151 § 20; 1977 ex.s. c 282 § 4; 1973 c 62 § 16; 1969 ex.s. c 261 § 21; 1969 ex.s. c 223 §28B.50.090 . Prior: 1967 ex.s. c 8 § 9.]

#### NOTES:

**Part headings not law -- 2004 c 275:** See note following RCW 28B.76.030.

**Findings -- Intent -- 2003 c 130:** See note following RCW 28B.76.210.

**Severability -- 1981 c 246:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 246 § 6.]

**Severability -- 1977 ex.s. c 282:** See note following RCW 28B.50.870.

**Savings -- Severability -- 1973 c 62:** See notes following RCW 28B.10.510.

**Severability -- 1969 ex.s. c 261:** See note following RCW 28B.50.020.

Construction, reconstruction, equipping facilities -- Financing: RCW 28B.50.340.

Development of budget: RCW 43.88.090.

**Eminent domain:** Title 8 RCW.

State budgeting, accounting, and reporting system: Chapter 43.88 RCW.

#### RCW 34.05.010

##### Definitions.

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Adjudicative proceeding" means a proceeding before an agency in which an opportunity for

hearing before that agency is required by statute or constitutional right before or after the entry of an order by the agency. Adjudicative proceedings also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law.

(2) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law and any local governmental entity that may request the appointment of an administrative law judge under chapter 42.41 RCW.

(3) "Agency action" means licensing, the implementation or enforcement of a statute, the adoption or application of an agency rule or order, the imposition of sanctions, or the granting or withholding of benefits.

Agency action does not include an agency decision regarding (a) contracting or procurement of goods, services, public works, and the purchase, lease, or acquisition by any other means, including **eminent domain**, of real estate, as well as all activities necessarily related to those functions, or (b) determinations as to the sufficiency of a showing of interest filed in support of a representation petition, or mediation or conciliation of labor disputes or arbitration of labor disputes under a collective bargaining law or similar statute, or (c) any sale, lease, contract, or other proprietary decision in the management of public lands or real property interests, or (d) the granting of a license, franchise, or permission for the use of trademarks, symbols, and similar property owned or controlled by the agency.

(4) "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head.

(5) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective.

(6) "Filing" of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head.

(7) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions."

(8) "Interpretive statement" means a written expression of the opinion of an agency, entitled an interpretive statement by the agency head or its designee, as to the meaning of a statute or other provision of law, of a court decision, or of an agency order.

(9)(a) "License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law, but does not include (i) a license required solely for revenue purposes, or (ii) a certification of an exclusive bargaining representative, or similar status, under a collective bargaining law or similar statute, or (iii) a license, franchise, or permission for use of

trademarks, symbols, and similar property owned or controlled by the agency.

(b) "Licensing" includes the agency process respecting the issuance, denial, revocation, suspension, or modification of a license.

(10) "Mail" or "send," for purposes of any notice relating to rule making or policy or interpretive statements, means regular mail or electronic distribution, as provided in RCW 34.05.260. "Electronic distribution" or "electronically" means distribution by electronic mail or facsimile mail.

(11)(a) "Order," without further qualification, means a written statement of particular applicability that finally determines the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons.

(b) "Order of adoption" means the official written statement by which an agency adopts, amends, or repeals a rule.

(12) "Party to agency proceedings," or "party" in a context so indicating, means:

(a) A person to whom the agency action is specifically directed; or

(b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding.

(13) "Party to judicial review or civil enforcement proceedings," or "party" in a context so indicating, means:

(a) A person who files a petition for a judicial review or civil enforcement proceeding; or

(b) A person named as a party in a judicial review or civil enforcement proceeding, or allowed to participate as a party in a judicial review or civil enforcement proceeding.

(14) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another agency.

(15) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the agency head or its designee, to implementation of a statute or other provision of law, of a court decision, or of an agency order, including where appropriate the agency's current practice, procedure, or method of action based upon that approach.

(16) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic



control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes.

(17) "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to RCW 34.05.610 for the purpose of selectively reviewing existing and proposed rules of state agencies.

(18) "Rule making" means the process for formulation and adoption of a rule.

(19) "Service," except as otherwise provided in this chapter, means posting in the United States mail, properly addressed, postage prepaid, or personal service. Service by mail is complete upon deposit in the United States mail. Agencies may, by rule, authorize service by electronic telefacsimile transmission, where copies are mailed simultaneously, or by commercial parcel delivery company.

[1997 c 126 § 2; 1992 c 44 § 10; 1989 c 175 § 1; 1988 c 288 § 101; 1982 c 10 § 5. Prior: 1981 c 324 § 2; 1981 c 183 § 1; 1967 c 237 § 1; 1959 c 234 § 1. Formerly RCW 34.04.010.]

## NOTES:

**Effective dates -- Severability -- 1992 c 44:** See RCW 42.41.901 and 42.41.902.

**Effective dates -- 1989 c 175:** "Sections 1 through 35 and 37 through 185 of this act are necessary for the immediate preservation of the public peace, health, or safety, or the support of the state government and its existing public institutions, and shall take effect on July 1, 1989. Section 36 of this act shall take effect on July 1, 1990." [1989 c 175 § 186.]

**Severability -- 1982 c 10:** See note following RCW 6.13.080.

**Legislative affirmation -- 1981 c 324:** "The legislature affirms that all rule-making authority of state agencies and institutions of higher education is a function delegated by the legislature, and as such, shall be exercised pursuant to the conditions and restrictions contained in this act." [1981 c 324 § 1.]

**Severability -- 1981 c 324:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 324 § 18.]

## Chapter 35.21 RCW MISCELLANEOUS PROVISIONS

### RCW SECTIONS

35.21.005 Sufficiency of petitions.

35.21.010 General corporate powers -- Towns, restrictions as to area.

35.21.015 Salary commissions.

35.21.020 Auditoriums, art museums, swimming pools, etc. -- Power to acquire.

35.21.030 Auxiliary water systems for protection from fire.

- 35.21.070 Cumulative reserve fund -- Authority to create.
- 35.21.080 Cumulative reserve fund -- Annual levy for -- Application of budget law.
- 35.21.085 Payrolls fund -- Claims fund.
- 35.21.086 Payrolls fund -- Transfers from insolvent funds.
- 35.21.087 Employee checks, drafts, warrants -- City, town may cash.
- 35.21.088 Equipment rental fund.
- 35.21.090 Dikes, levees, embankments -- Authority to construct.
- 35.21.100 Donations -- Authority to accept and use.
- 35.21.110 Ferries -- Authority to acquire and maintain.
- 35.21.120 Solid waste handling system -- Contracts.
- 35.21.130 Solid waste or recyclable materials collection -- Ordinance.
- 35.21.135 Solid waste or recyclable materials collection -- Curbside recycling -- Reduced rate.
- 35.21.140 Garbage -- Notice of lien -- Foreclosure.
- 35.21.150 Garbage -- Lien -- Priority.
- 35.21.152 Solid waste handling -- Agreements -- Purposes -- Terms and conditions.
- 35.21.154 Solid waste -- Compliance with chapter 70.95 RCW required.
- 35.21.156 Solid waste -- Contracts with vendors for solid waste handling systems, plants, sites, or facilities -- Requirements -- Vendor selection procedures.
- 35.21.157 Solid waste collection -- Rate increase notice.
- 35.21.158 Collection and transportation of recyclable materials by recycling companies or nonprofit entities -- Reuse or reclamation -- Application of chapter.
- 35.21.160 Jurisdiction over adjacent waters.
- 35.21.163 Penalty for act constituting a crime under state law -- Limitation.
- 35.21.165 Driving while under the influence of liquor or drug -- Minimum penalties.
- 35.21.175 Offices to be open certain days and hours.
- 35.21.180 Ordinances -- Adoption of codes by reference.
- 35.21.185 Ordinances -- Information pooling.
- 35.21.190 Parkways, park drives and boulevards.
- 35.21.200 Residence qualifications of appointive officials and employees.
- 35.21.203 Recall sufficiency hearing -- Payment of defense expenses.
- 35.21.205 Liability insurance for officials and employees.
- 35.21.207 Liability insurance for officers and employees authorized.
- 35.21.209 Insurance and workers' compensation for offenders performing community restitution.
- 35.21.210 Sewerage, drainage, and water supply.
- 35.21.215 Powers relative to systems of sewerage.
- 35.21.217 Utility services -- Deposit -- Tenants' delinquencies -- Lien.

- 35.21.220 Sidewalks -- Regulation of use of.
- 35.21.225 Transportation benefit districts.
- 35.21.228 Rail fixed guideway system -- Safety and security program plan.
- 35.21.230 Streets over tidelands declared public highways.
- 35.21.240 Streets over tidelands -- Control of.
- 35.21.250 Streets and alleys over first class tidelands -- Control of.
- 35.21.260 Streets -- Annual report to secretary of transportation.
- 35.21.270 Streets -- Records of funds received and used for construction, repair, maintenance.
- 35.21.275 Street improvements -- Provision of supplies or materials.
- 35.21.278 Contracts with community service organizations for public improvements -- Limitations.
- 35.21.280 Tax on admissions -- Exceptions.
- 35.21.290 Utility services -- Lien for.
- 35.21.300 Utility services -- Enforcement of lien -- Limitations on termination of service for residential heating.
- 35.21.305 Utility connection charges -- Waiver for low-income persons.
- 35.21.310 Removal of overhanging or obstructing vegetation -- Removal, destroying debris.
- 35.21.315 Amateur radio antennas -- Local regulation to conform with federal law.
- 35.21.320 Warrants -- Interest rate -- Payment.
- 35.21.333 Chief of police or marshal -- Eligibility requirements.
- 35.21.334 Chief of police or marshal -- Background investigation.
- 35.21.335 Chief of police or marshal -- Vacancy.
- 35.21.340 Cemeteries and funeral facilities.
- 35.21.350 Civil service in police and fire departments.
- 35.21.360 **Eminent domain** by cities and towns.
- 35.21.370 Joint county and city hospitals.
- 35.21.380 Joint county and city buildings.
- 35.21.385 Counties with a population of two hundred ten thousand or more may contract with cities concerning buildings and related improvements.
- 35.21.390 Public employment, civil service and pensions.
- 35.21.395 Historic preservation -- Authorization to acquire property, borrow money, issue bonds, etc.
- 35.21.400 City may acquire property for parks, recreational, viewpoint, greenbelt, conservation, historic, scenic, or view purposes.
- 35.21.403 City may establish lake management districts.
- 35.21.404 Fish enhancement project -- City's or town's liability.
- 35.21.405 Moorage facilities -- Regulations authorized -- Port charges, delinquency -- Abandoned vessels, public sale.

- 35.21.407 Abandoned or derelict vessels.
- 35.21.410 Nonpolluting power generation by individual -- Exemption from regulation -- Authorization to contract with utility.
- 35.21.412 Hydroelectric resources -- Separate legal authority -- Creation by irrigation districts and cities, towns, or public utility districts.
- 35.21.415 Electrical utilities -- Civil immunity of officials and employees for good faith mistakes and errors of judgment.
- 35.21.417 Hydroelectric reservoir extending across international boundary -- Agreement with Province of British Columbia.
- 35.21.418 Hydroelectric reservoir extending across international boundary -- Commission -- Powers.
- 35.21.420 Utilities -- City may support county in which generating plant located.
- 35.21.422 Utilities -- Cities in a county with a population of two hundred ten thousand or more west of Cascades may support cities, towns, counties and taxing districts in which facilities located.
- 35.21.425 City constructing generating facility in other county -- Reimbursement of county or school district.
- 35.21.426 City constructing generating facility in other county -- Notice of loss -- Negotiations -- Arbitration.
- 35.21.427 City constructing generating facility in other county -- Additional findings -- Renegotiation.
- 35.21.430 Utilities -- City may pay taxing districts involved after acquisition of private power facilities.
- 35.21.440 Utilities -- Additional payments to school districts having bonded indebtedness.
- 35.21.450 Utilities -- Payment of taxes.
- 35.21.455 Locally regulated utilities -- Attachments to poles.
- 35.21.470 Building construction projects -- City or town prohibited from requiring state agencies or local governments to provide bond or other security as a condition for issuance of permit.
- 35.21.475 Statement of restrictions applicable to real property.
- 35.21.500 Compilation, codification, revision of city or town ordinances -- Scope of codification.
- 35.21.510 Compilation, codification, revision of city or town ordinances -- Authorized.
- 35.21.520 Compilation, codification, revision of city or town ordinances -- Adoption as official code of city.
- 35.21.530 Compilation, codification, revision of city or town ordinances -- Filing -- Notice of hearing.
- 35.21.540 Compilation, codification, revision of city or town ordinances -- Legislative body may amend, adopt, or reject adopting ordinance -- When official code.
- 35.21.550 Compilation, codification, revision of city or town ordinances -- Copies as proof of ordinances.
- 35.21.560 Compilation, codification, revision of city or town ordinances -- Adoption of new material.
- 35.21.570 Compilation, codification, revision of city or town ordinances -- Codification satisfies

single subject, title, and amendment requirements of statute or charter.

- 35.21.590 Executory conditional sales contracts for purchase of property -- Limit on indebtedness -- Election, when.
- 35.21.630 Youth agencies -- Establishment authorized.
- 35.21.635 Juvenile curfews.
- 35.21.640 Conferences to study regional and governmental problems, counties and cities may establish.
- 35.21.650 Prepayment of taxes or assessments authorized.
- 35.21.660 Demonstration Cities and Metropolitan Development Act -- Agreements with federal government -- Scope of authority.
- 35.21.670 Demonstration Cities and Metropolitan Development Act -- Powers and limitations of public corporations, commissions or authorities created.
- 35.21.680 Participation in Economic Opportunity Act programs.
- 35.21.684 Authority to regulate placement or use of homes -- Regulation of manufactured homes -- Issuance of permits.
- 35.21.685 Low-income housing -- Loans and grants.
- 35.21.687 Affordable housing -- Inventory of suitable housing.
- 35.21.688 Family day-care provider's home facility -- City or town may not prohibit in residential or commercial area -- Conditions.
- 35.21.690 Authority to regulate auctioneers -- Limitations.
- 35.21.692 Authority to regulate massage practitioners -- Limitations.
- 35.21.695 Authority to own and operate professional sports franchise.
- 35.21.696 Newspaper carrier regulation.
- 35.21.698 Regulation of financial transactions -- Limitations.
- 35.21.700 Tourist promotion.
- 35.21.703 Economic development programs.
- 35.21.706 Imposition or increase of business and occupation tax -- Referendum procedure required -- Exclusive procedure.
- 35.21.710 License fees or taxes on certain business activities -- Uniform rate required -- Maximum rate established.
- 35.21.711 License fees or taxes on certain business activities -- Excess rates authorized by voters.
- 35.21.712 License fees or taxes on telephone business to be at uniform rate.
- 35.21.714 License fees or taxes on telephone business -- Imposition on certain gross revenues authorized -- Limitations.
- 35.21.715 Taxes on network telephone services.
- 35.21.717 Taxation of internet services -- Moratorium.
- 35.21.718 State route No. 16 -- Tax on operation prohibited.
- 35.21.720 City contracts to obtain sheriff's office law enforcement services.

- 35.21.730 Public corporations -- Powers of cities, towns, and counties -- Administration.
- 35.21.735 Public corporations -- Declaration of public purpose -- Power and authority to enter into agreements, receive and expend funds -- Security.
- 35.21.740 Public corporations -- Exercise of powers, authorities, or rights -- Territorial jurisdiction.
- 35.21.745 Public corporations -- Provision for, control over -- Powers.
- 35.21.747 Public corporations -- Real property transferred by city, town, or county -- Restrictions, notice, public meeting.
- 35.21.750 Public corporations -- Insolvency or dissolution.
- 35.21.755 Public corporations -- Exemption or immunity from taxation -- In lieu excise tax.
- 35.21.756 Tax exemption -- Sales/leasebacks by regional transit authorities.
- 35.21.757 Public corporations -- Statutes to be construed consistent with state Constitution.
- 35.21.759 Public corporations, commissions, and authorities -- Applicability of general laws.
- 35.21.760 Legal interns -- Employment authorized.
- 35.21.762 Urban emergency medical service districts -- Creation authorized in city or town with territory in two counties.
- 35.21.765 Fire protection, ambulance or other emergency services provided by municipal corporation within county -- Financial and other assistance by county authorized.
- 35.21.766 Ambulance services -- Establishment authorized.
- 35.21.7661 Study and review of ambulance utilities.
- 35.21.768 Ambulance services -- Excise taxes authorized -- Use of proceeds.
- 35.21.769 Levy for emergency medical care and services.
- 35.21.770 Members of legislative bodies authorized to serve as volunteer fire fighters, volunteer ambulance personnel, or reserve law enforcement officers.
- 35.21.772 Fire department volunteers -- Holding public office -- Definitions.
- 35.21.775 Provision of fire protection services to state-owned facilities.
- 35.21.778 Existing contracts for fire protection services and equipment not abrogated.
- 35.21.779 Fire protection services for state-owned facilities -- Contracts with the department of community, trade, and economic development -- Consolidation of negotiations with multiple state agencies -- Arbitration.
- 35.21.780 Laws, rules and regulations applicable to cities 500,000 or over deemed applicable to cities 400,000 or over.
- 35.21.790 Revision of corporate boundary within street, road, or highway right of way by substituting right of way line -- Not subject to review.
- 35.21.800 Foreign trade zones -- Legislative finding, intent.
- 35.21.805 Foreign trade zones -- Authority to apply for permission to establish, operate and maintain.
- 35.21.810 Hydroplane races -- Providing for restrooms and other services in public parks for spectators -- Admission fees -- Authorized.
- 35.21.815 Hydroplane races -- Levying of admission charges declared public park purpose --

Reversion prohibited.

- 35.21.820 Acquisition and disposal of vehicles for commuter ride sharing by city employees.
- 35.21.830 Controls on rent for residential structures -- Prohibited -- Exceptions.
- 35.21.840 Taxation of motor carriers of freight for hire -- Allocation of gross receipts.
- 35.21.845 Taxation of motor carriers of freight for hire -- Tax allocation formula.
- 35.21.850 Taxation of motor carriers of freight for hire -- Limitation -- Exceptions.
- 35.21.851 Taxation of chamber of commerce, similar business for operation of parking/business improvement area.
- 35.21.855 Taxation of intellectual property creating activities -- Gross receipts tax prohibited -- Exceptions.
- 35.21.860 Electricity, telephone, or natural gas business, service provider -- Franchise fees prohibited -- Exceptions.
- 35.21.865 Electricity, telephone, or natural gas business -- Limitations on tax rate changes.
- 35.21.870 Electricity, telephone, natural gas, or steam energy business -- Tax limited to six percent -- Exception.
- 35.21.871 Tax on telephone business -- Deferral of rate reduction.
- 35.21.873 Procedure to correct erroneous mobile telecommunications service tax.
- 35.21.875 Designation of official newspaper.
- 35.21.880 Right of way donations -- Credit against required improvements.
- 35.21.890 Boundary changes -- Providing factual information -- Notice to boundary review board.
- 35.21.895 Regulation of automatic number or location identification -- Prohibited.
- 35.21.897 Mobile home, manufactured home, or park model moving or installing -- Copies of permits -- Definitions.
- 35.21.900 Authority to transfer real property.

## NOTES:

Accident claims against: RCW 35.31.020.

Acquisition of interests in land for conservation, protection, preservation, or open space purposes by cities or towns: RCW 64.04.130.

Actions against  
public corporations: RCW 4.08.120.  
state: Chapter 4.92 RCW.

Actions by in corporate name: RCW 4.08.110.

Cemeteries, public acquisition and maintenance: Chapter 68.52 RCW.

Diking and drainage districts: Chapters 85.05, 86.09 RCW.

Disturbances at state penal facilities: Chapter 72.02 RCW.

Dog handler using dog in line of duty -- Immunity: RCW 4.24.410.

**Eminent domain** by cities: Chapter 8.12 RCW.

Fire protection districts: Title 52 RCW.

Flood control maintenance, state participation in: Chapter 86.26 RCW.

Hospitals, joint operation with counties: RCW 36.62.030, 36.62.110.

Industrial development revenue bonds: Chapter 39.84 RCW.

Intergovernmental disposition of property: Chapter 39.33 RCW.

Irrigation districts: Chapter 87.03 RCW.

Joint governmental activities: Chapter 36.64 RCW.

Judgment against local governmental entity, enforcement: RCW 6.17.080.

Legal publications: Chapter 65.16 RCW.

Liquor  
revolving fund, distribution from: RCW 66.08.190, 66.08.210.  
sales of subject to local option: Chapter 66.40 RCW.

Local adopt-a-highway programs: RCW 47.40.105.

Local governmental organizations, actions affecting boundaries, etc., review by boundary review board:  
Chapter 36.93 RCW.

Local law enforcement agencies, reports by regarding missing children: RCW 13.60.020.

Lost and found property: Chapter 63.21 RCW.

Meetings, minutes of governmental bodies, open to public inspection: Chapter 42.30 RCW.

Municipal utilities: Chapter 35.92 RCW.

Municipal water and sewer facilities act: Chapter 35.91 RCW.

Peddlers' and hawkers' licenses: Chapter 36.71 RCW, RCW 73.04.050, 73.04.060.

Port districts: Title 53 RCW.

Public records, destruction of: Chapter 40.14 RCW.



Public utility districts: Title 54 RCW.

Residence qualifications of civil service employees -- Residency not grounds for discharge: RCW 52.30.050.

Senior citizens programs -- Authorization to establish and administer: RCW 36.39.060.

Soil and water conservation districts: Chapter 89.08 RCW.

Transfer of real property or contract for use for park and recreational purposes: RCW 39.33.060.

Unclaimed property in hands of city police: Chapter 63.32 RCW.

Water-sewer districts: Title 57 RCW.

Weeds, duty to destroy, extermination areas: RCW 17.04.160.

### **RCW 35.21.190**

#### **Parkways, park drives and boulevards.**

Any city or town council upon request of the board of park commissioners, shall have authority to designate such streets as they may see fit as parkways, park drives, and boulevards, and to transfer all care, maintenance and improvement of the surface thereof to the board of park commissioners, or to such authority of such city or town as may have the care and management of the parks, parkways, boulevards and park drives of the city.

Any city or town may acquire, either by gift, purchase or the right of **eminent domain**, the right to limit the class, character and extent of traffic that may be carried on such parkways, park drives and boulevards, and to prescribe that the improvement of the surface thereof shall be made wholly in accordance with plans of such board of park commissioners, but that the setting over of all such streets for such purposes shall not in any wise limit the right and authority of the city council to construct underneath the surface thereof any and all public utilities nor to deprive the council of the right to levy assessments for special benefits. In the construction of any such utilities, any damages done to the surface of such parkways, park drives or boulevards shall not be borne by any park funds of such city or town.

[1965 c 7 § 35.21.190. Prior: 1911 c 98 § 57; RRS § 9410.]

### **RCW 35.21.360**

#### **Eminent domain by cities and towns.**

See chapter 8.12 RCW.

### **RCW 35.21.395**

#### **Historic preservation -- Authorization to acquire property, borrow money, issue bonds, etc.**

Any city or town may acquire title to or any interest in real and personal property for the purpose of historic preservation and may restore, improve, maintain, manage, and lease the property for public or

private use and may enter into contracts, borrow money, and issue bonds and other obligations for such purposes. This authorization shall not expand the **eminent domain** powers of cities or towns.

[1984 c 203 § 3.]

#### NOTES:

**Severability -- 1984 c 203:** See note following RCW 35.43.140.

#### **RCW 35.21.670**

#### **Demonstration Cities and Metropolitan Development Act -- Powers and limitations of public corporations, commissions or authorities created.**

Any public corporation, commission or authority created as provided in RCW 35.21.660, may be empowered to own and sell real and personal property; to contract with individuals, associations and corporations, and the state and the United States; to sue and be sued; to loan and borrow funds; to do anything a natural person may do; and to perform all manner and type of community services and activities in furtherance of an agreement by a city or by the public corporation, commission or authority with the United States to carry out the purposes of the Demonstration Cities and Metropolitan Development Act of 1966: PROVIDED, That

(1) All liabilities incurred by such public corporation, commission or authority shall be satisfied exclusively from the assets and credit of such public corporation, commission or authority; and no creditor or other person shall have any recourse to the assets, credit or services of the municipal corporation creating the same on account of any debts, obligations or liabilities of such public corporation, commission or authority;

(2) Such public corporation, commission or authority shall have no power of **eminent domain** nor any power to levy taxes or special assessments;

(3) The name, the organization, the purposes and scope of activities, the powers and duties of the officers, and the disposition of property upon dissolution of such public corporation, commission or authority shall be set forth in its charter of incorporation or organization, or in a general ordinance of the city or both.

[1971 ex.s. c 177 § 7.]

#### **RCW 35.21.745**

#### **Public corporations -- Provision for, control over -- Powers.**

(1) Any city, town, or county which shall create a public corporation, commission, or authority pursuant to RCW 35.21.730 or 35.21.660, shall provide for its organization and operations and shall control and oversee its operation and funds in order to correct any deficiency and to assure that the purposes of each program undertaken are reasonably accomplished.

(2) Any public corporation, commission, or authority created as provided in RCW 35.21.730 may be empowered to own and sell real and personal property; to contract with a city, town, or county to conduct community renewal activities under chapter 35.81 RCW; to contract with individuals, associations, and corporations, and the state and the United States; to sue and be sued; to loan and

borrow funds and issue bonds and other instruments evidencing indebtedness; transfer any funds, real or personal property, property interests, or services; to do anything a natural person may do; and to perform all manner and type of community services. However, the public corporation, commission, or authority shall have no power of **eminent domain** nor any power to levy taxes or special assessments.

[2002 c 218 § 24; 1985 c 332 § 2; 1974 ex.s. c 37 § 5.]

## NOTES:

**Severability -- Savings -- Construction -- 2002 c 218:** See notes following RCW 35.81.005.

---

### Chapter 35.23 RCW SECOND CLASS CITIES

## RCW SECTIONS

- 35.23.010 Rights, powers and privileges -- Exchange of park purpose property.
- 35.23.021 City officers enumerated -- Compensation -- Appointment and removal.
- 35.23.031 Eligibility to hold elective office.
- 35.23.051 Elections -- Terms of office -- Positions and wards.
- 35.23.081 Oath and bond of officers.
- 35.23.091 Compensation of officers -- Expenses -- Nonstate pensions.
- 35.23.101 Vacancies.
- 35.23.111 City attorney -- Duties.
- 35.23.121 City clerk -- Duties -- Deputies.
- 35.23.131 City treasurer -- Duties.
- 35.23.134 Association of sheriffs and police chiefs.
- 35.23.141 Duty of officers collecting moneys.
- 35.23.142 Combination of offices of treasurer with clerk -- Authorized.
- 35.23.144 Combination of offices of treasurer with clerk -- Powers of clerk.
- 35.23.146 Combination of offices of treasurer with clerk -- Powers of treasurer.
- 35.23.148 Combination of offices of treasurer with clerk -- Ordinance -- Termination of combined offices.
- 35.23.161 Chief of police and police department.
- 35.23.170 Park commissioners.
- 35.23.181 City council -- Oath -- Meetings.
- 35.23.191 City council -- Mayor pro tempore.
- 35.23.201 City council -- Meetings -- Journal.
- 35.23.211 Ordinances -- Style -- Requisites -- Veto.

- 35.23.221 Ordinances -- Publication -- Summary -- Public notice of hearings and meeting agendas.
- 35.23.251 Ordinances granting franchises -- Requisites.
- 35.23.261 Audit and allowance of demands against city.
- 35.23.270 City council -- Quorum -- Rules -- Journal, etc.
- 35.23.290 City council -- Entry of ayes and noes on journal.
- 35.23.311 **Eminent domain.**
- 35.23.325 Payment of claims and obligations by warrant or check.
- 35.23.330 Limitation on allowance of claims, warrants, etc.
- 35.23.331 Nuisances.
- 35.23.351 Application of RCW 35.23.352 to certain agreements relating to water pollution control, solid waste handling facilities.
- 35.23.352 Public works -- Contracts -- Bids -- Small works roster -- Purchasing requirements, recycled or reused materials or products.
- 35.23.371 Taxation -- Street poll tax.
- 35.23.380 Exclusive franchises prohibited.
- 35.23.410 Leasing of street ends on waterfront.
- 35.23.420 Notice of lease to be published before execution.
- 35.23.430 Railroads in streets to be assessed for street improvement.
- 35.23.440 Specific powers enumerated.
- 35.23.442 City and town license fees and taxes on financial institutions.
- 35.23.443 City license fees or taxes on certain business activities to be at a single uniform rate.
- 35.23.444 Nonpolluting power generation by individual -- Exemption from regulation -- Authorization to contract with utility.
- 35.23.445 Hydroelectric resources -- Separate legal authority -- Creation by irrigation districts and cities, towns, or public utility districts.
- 35.23.452 Additional powers -- Acquisition, control, and disposition of property.
- 35.23.454 Additional powers -- Parking meter revenue for revenue bonds.
- 35.23.455 Additional powers -- Construction and operation of boat harbors, marinas, docks, etc.
- 35.23.456 Additional powers -- Ambulances and first aid equipment.
- 35.23.457 Conveyance or lease of space above real property or structures or improvements.
- 35.23.460 Employees' group insurance -- False arrest insurance.
- 35.23.470 Publicity fund.
- 35.23.480 Publicity board.
- 35.23.490 Limitations on use of publicity fund.
- 35.23.505 Local improvement guaranty fund -- Investment in city's own guaranteed bonds.
- 35.23.515 Utilities -- City may contract for service or construct own facilities.

- 35.23.525 Utilities -- Method of acquisition -- Bonds.
- 35.23.535 Utilities -- Maintenance and operation -- Rates.
- 35.23.545 Procedure to attack consolidation or annexation of territory.
- 35.23.555 Criminal code repeals by city operating municipal court -- Agreement covering costs of handling resulting criminal cases -- Arbitration.
- 35.23.560 Waterworks -- Construction by city or by district assessments.
- 35.23.570 Waterworks -- Plans -- Special assessments.
- 35.23.580 Waterworks -- Procedure -- Bonds.
- 35.23.680 Cities of ten thousand or more may frame charter without changing classification.
- 35.23.705 Purchase of electric power and energy from joint operating agency.
- 35.23.800 Code city retaining former second class city plan -- Elective officers.
- 35.23.805 Code city retaining former second class city plan -- Elections -- Terms of office.
- 35.23.810 Code city retaining former second class city plan -- Mayor -- General duties.
- 35.23.815 Code city retaining former second class city plan -- Appointive officers.
- 35.23.820 Code city retaining former second class city plan -- Health officer.
- 35.23.825 Code city retaining former second class city plan -- Street commissioner.
- 35.23.830 Code city retaining former second class city plan -- Appointment of officers -- Confirmation.
- 35.23.835 Code city retaining former second class city plan -- Oath and bond of officers.
- 35.23.840 Code city retaining former second class city plan -- City council -- How constituted.
- 35.23.845 Code city retaining former second class city plan -- City council -- Presiding officer -- Voting rights.
- 35.23.850 Code city retaining former second class city plan -- Wards -- Division of city into.

#### NOTES:

Accident claims against: RCW 35.31.040, 35.31.050.

Actions against  
public corporations: RCW 4.08.120.  
state: Chapter 4.92 RCW.

Actions by in corporate name: RCW 4.08.110.

Advancement in classification: RCW 35.06.010.

Annexation  
for municipal purposes: RCW 35.13.180.  
of federal areas: RCW 35.13.190 through 35.13.210.

Classification as: RCW 35.01.020.

Code of ethics for public officers and employees: Chapters 42.23 and 42.52 RCW.

**Eminent domain** by cities, construction of chapter as to second class cities: RCW 8.12.560.

Inhabitants at time of organization: RCW 35.01.020.

Judgment against local governmental entity, enforcement: RCW 6.17.080.

Limitations on indebtedness: State Constitution Art. 7 § 2 (Amendments 55, 59), Art. 8 § 6 (Amendment 27), chapter 39.36 RCW, RCW 84.52.050.

Lost and found property: Chapter 63.21 RCW.

Lowlands, local improvement: Chapters 35.55, 35.56 RCW.

Municipal utilities: Chapter 35.92 RCW.

Municipal water and sewer facilities act: Chapter 35.91 RCW.

Officers, salaries of, not to be changed during term: State Constitution Art. 11 § 8 (Amendment 57).

Organization under general laws required: State Constitution Art. 11 § 10 (Amendment 40).

Parking, off-street facilities: Chapter 35.86 RCW.

Rules for courts of limited jurisdiction: Volume 0.

Sanitary fills: Chapter 35.73 RCW.

Service of summons on, personal service: RCW 4.28.080.

Sidewalks, construction and reconstruction, generally: Chapter 35.69 RCW.

Streets and alleys, grades at higher elevation, drainage impracticable on private abutting land, effect: Chapter 35.73 RCW.

Unclaimed property in hands of city police: Chapter 63.32 RCW.

## **RCW 35.23.311**

### **Eminent domain.**

Whenever it shall become necessary for the city to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the city, or for the purpose of securing rights-of-way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams and the improvement of waterfronts, or any other public purpose, and the city council cannot agree with the owner thereof as to the price to be paid, the city council may proceed to acquire, take or damage the same in the manner provided by chapter 8.12 RCW or by chapter 8.20 RCW.

[1965 c 7 § 35.24.310. Prior: 1915 c 184 § 22; RRS § 9136. Formerly RCW 35.24.310.]

**RCW 35.23.440****Specific powers enumerated.**

The city council of each second class city shall have power and authority:

- (1) Ordinances: To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.
- (2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.
- (3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.
- (4) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tippling houses, dram shops, saloons, bars, and barrooms.
- (5) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.
- (6) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property.
- (7) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.
- (8) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.
- (9) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.
- (10) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.
- (11) Stock pound: To establish, maintain, and regulate a common pound for estrays, and to appoint a

poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(12) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(13) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.

(14) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.

(15) Markets: To establish and regulate markets and market places.

(16) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.

(17) City commons: To provide for and regulate the commons of the city.

(18) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(19) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(20) Property: To have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.

(21) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.

(22) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(23) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(24) House numbers: To provide for the numbering of houses.

(25) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

(26) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to



erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(27) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(28) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(29) Penalty for violation of ordinances: To provide that violations of ordinances with the punishment for any offense not exceeding a fine of five thousand dollars or imprisonment for more than one year, or both fine and imprisonment, but the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Alternatively, such a city may provide that a violation of an ordinance constitutes a civil violation subject to monetary penalties or to determine and impose fines for forfeitures and penalties, but no act which is a state crime may be made a civil violation. A violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

(30) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.

(31) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city.

(32) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.

(33) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.

(34) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

(35) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general

system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(36) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.

(37) Franchises: To permit the use of the streets for railroad or other public service purposes.

(38) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.

(39) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.

(40) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(41) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(42) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: PROVIDED, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(43) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(44) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(45) Power of **eminent domain**: In the name of and for the use and benefit of the city, to exercise the right of **eminent domain**, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(46) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(47) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(48) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(49) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(50) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(51) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(52) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(53) To provide for the general welfare.

[1994 c 81 § 19; 1993 c 83 § 5; 1986 c 278 § 4. Prior: 1984 c 258 § 803; 1984 c 189 § 5; 1979 ex.s. c 136 § 28; 1977 ex.s. c 316 § 21; 1965 ex.s. c 116 § 7; 1965 c 7 § 35.23.440; prior: 1907 c 241 § 29; 1890 p 148 § 38; RRS § 9034.]

#### NOTES:

**Effective date -- 1994 c 81 § 19:** "Section 19 of this act shall take effect July 1, 1994." [1994 c 81 § 91.]

**Effective date -- 1993 c 83:** See note following RCW 35.21.163.

**Severability -- 1986 c 278:** See note following RCW 36.01.010.

**Court Improvement Act of 1984 -- Effective dates -- Severability -- Short title -- 1984 c 258:** See notes following RCW 3.30.010.

**Effective date -- Severability -- 1979 ex.s. c 136:** See notes following RCW 46.63.010.

**Severability -- 1977 ex.s. c 316:** See note following RCW 70.48.020.

---

**RCW 35.27.380**

**Additional powers -- Eminent domain.**

Whenever it becomes necessary for a town to take or damage private property for the purpose of establishing, laying out, extending, and widening streets and other public highways and places within the town, or for the purpose of rights-of-way for drains, sewers, and aqueducts, and for the purpose of widening, straightening, or diverting the channels of streams and the improvement of waterfronts, and the council cannot agree with the owner thereof as to the price to be paid, the council may direct proceedings to be taken under the general laws of the state to procure the same.

[1965 c 7 § 35.27.380. Prior: 1890 p 207 § 162; RRS § 9182.]

**NOTES:**

**Eminent domain:** Chapter 8.12 RCW.

---

**RCW 35.27.570****Off-street parking space and facilities -- Acquisition and disposition of real property.**

Such towns are authorized to obtain by lease, purchase, donation and/or gift, or by **eminent domain** in the manner provided by law for the exercise of this power by cities, such real property for off-street parking as the legislative bodies thereof determine to be necessary by ordinance. Such property may be sold, transferred, exchanged, leased, or otherwise disposed of by the town when its legislative body has determined by ordinance such property is no longer necessary for off-street parking purposes.

[1965 c 7 § 35.27.570. Prior: 1961 c 33 § 3.]

**NOTES:**

**Eminent domain:** Chapter 8.12 RCW.

---

**RCW 35.44.020****Assessment district -- Cost items to be included.**

There shall be included in the cost and expense of every local improvement for assessment against the property in the district created to pay the same, or any part thereof:

- (1) The cost of all of the construction or improvement authorized for the district including, but not limited to, that portion of the improvement within the street intersections;
- (2) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city or town engineer;
- (3) The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;
- (4) The estimated cost and expense of advertising, mailing, and publishing all necessary notices;
- (5) The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the city or town clerk and city or town treasurer in connection with the improvement;
- (6) All cost of the acquisition of rights of way, property, easements, or other facilities or rights,

including without limitation rights to use property, facilities, or other improvements appurtenant, related to, and/or useful in connection with the local improvement, whether by **eminent domain**, purchase, gift, payment of connection charges, capacity charges, or other similar charges or in any other manner;

(7) The cost for legal, financial, and appraisal services and any other expenses incurred by the city, town, or public corporation for the district or in the formation thereof, or by the city, town, or public corporation in connection with such construction or improvement and in the financing thereof, including the issuance of any bonds and the cost of providing for increases in the local improvement guaranty fund, or providing for a separate reserve fund or other security for the payment of principal of and interest on such bonds.

Any of the costs set forth in this section may be excluded from the cost and expense to be assessed against the property in such local improvement district and may be paid from any other moneys available therefor if the legislative body of the city or town so designates by ordinance at any time.

[1995 c 382 § 1; 1987 c 242 § 4; 1985 c 397 § 4; 1971 ex.s. c 116 § 8; 1969 ex.s. c 258 § 6; 1965 c 7 § 35.44.020. Prior: 1955 c 364 § 1; 1911 c 98 § 55; RRS § 9408.]

#### NOTES:

**Policy -- 1987 c 242:** See note following RCW 35.43.005.

**Authority supplemental -- Severability -- 1985 c 397:** See RCW 35.51.900 and 35.51.901.

---

#### RCW 35.44.250

##### Procedure on appeal -- Hearing by superior court.

At the time fixed for hearing in the notice thereof or at such further time as may be fixed by the court, the superior court shall hear and determine the appeal without a jury and the cause shall have preference over all other civil causes except proceedings relating to **eminent domain** in cities and towns and actions of forcible entry and detainer. The judgment of the court shall confirm, unless the court shall find from the evidence that such assessment is founded upon a fundamentally wrong basis and/or the decision of the council or other legislative body thereon was arbitrary or capricious; in which event the judgment of the court shall correct, change, modify, or annul the assessment insofar as it affects the property of the appellant.

[1969 ex.s. c 258 § 9; 1965 c 7 § 35.44.250. Prior: 1957 c 143 § 7; prior: 1911 c 98 § 22, part; RRS § 9374, part.]

---

### Chapter 35.55 RCW LOCAL IMPROVEMENTS -- FILLING LOWLANDS

#### RCW SECTIONS

35.55.010 Authority -- Second class cities.

35.55.020 Alternative methods of financing.

35.55.030 Boundaries -- Excepted property.

35.55.040 Damages -- **Eminent domain**.

- 35.55.050 Estimates -- Plans and specifications.
- 35.55.060 Assessment roll -- Items -- Assessment units -- Installments.
- 35.55.070 Hearing on assessment roll -- Notice -- Council's authority.
- 35.55.080 Hearings -- Appellate review.
- 35.55.090 Lien -- Collection of assessments.
- 35.55.100 Interest on assessments.
- 35.55.110 Payment of cost of improvement -- Interest on warrants.
- 35.55.120 Local improvement bonds -- Terms.
- 35.55.130 Local improvement bonds -- Guaranties.
- 35.55.140 Local improvement bonds and warrants -- Sale to pay damages, preliminary financing.
- 35.55.150 Local improvement fund -- Investment.
- 35.55.160 Letting contract for improvement -- Excess or deficiency of fund.
- 35.55.170 Payment of contractor -- Bonds, warrants, cash.
- 35.55.180 Reassessments.
- 35.55.190 Provisions of chapter not exclusive.

#### NOTES:

Assessments and charges against state lands: Chapter 79.44 RCW.

#### **RCW 35.55.040**

##### **Damages -- Eminent domain.**

If an ordinance has been passed as in this chapter provided, and it appears that in making of the improvement so authorized, private property will be taken or damaged thereby, the city shall file a petition in the superior court of the county in which such city is situated, in the name of the city, praying that just compensation to be made for the property to be taken or damaged for the improvement specified in the ordinance be ascertained, and conduct proceedings in **eminent domain** in accordance with the statutes relating to cities for the ascertainment of the compensation to be made for the taking and damaging of property, except insofar as the same may be inconsistent with this chapter.

The filling of unimproved and uncultivated lowlands of the character mentioned in RCW 35.55.010 shall not be considered as damaging or taking of such lands. The damage if any, done to cultivated lands or growing crops thereon, or to buildings and other improvements situated within the district proposed to be filled, shall be ascertained and determined in the manner above provided; but no damage shall be awarded to any property owner for buildings or improvements placed upon lands included within said district after the publication of the ordinance defining the boundaries of the proposed improvement district: PROVIDED, That the city shall after the passage of such ordinance, proceed with said improvement with due diligence. If the improvement is to be made at the expense of the property benefited, no account shall be taken of benefits by the jury or court in assessing the amount of compensation to be made to the owner of any property within such district, but such compensation shall be assessed without regard to benefits to the end that said property for which damages may be so awarded, may be assessed the same as other property within the district for its just share and proportion of the expense of making said improvement, and the fact that compensation has been awarded for the

damaging or taking of any parcel of land shall not preclude the assessment of such parcel of land for its just proportion of said improvement.

[1965 c 7 § 35.55.040. Prior: 1909 c 147 § 3; RRS § 9434.]

## NOTES:

**Eminent domain** by cities: Chapter 8.12 RCW.

### RCW 35.55.060

#### **Assessment roll -- Items -- Assessment units -- Installments.**

When such plans and specifications have been prepared and the estimates of the cost and expense of making the improvement have been adopted by the council and when an estimate has been made of the compensation to be paid for property damaged or taken, either before or after the compensation has been ascertained in the **eminent domain** proceedings, the city council shall cause an assessment roll to be prepared containing a list of all of the property within the improvement district which it is proposed to assess for the improvement, together with the names of the owners, if known, and if unknown the property shall be assessed to an unknown owner, and opposite each description shall be set the amount assessed to such description.

When so ordered by the council, the entire amount of compensation paid or to be paid for property damaged or taken, including all of the costs and expenses incidental to the condemnation proceedings together with the entire cost and expense of making the improvement, may be assessed against the property within the district subject to assessment, but the council may order any portion of the costs paid out of the current or general expense fund of the city.

The assessments shall be made according to and in proportion to surface area one square foot of surface to be the unit of assessment, except that the several parcels of land in any enlarged district not actually filled shall be assessed in accordance with special benefits: PROVIDED, That where any parcel of land was partially filled by the owner prior to the initiation of the improvement, an equitable deduction for such partial filling may be allowed.

The cost and expense incidental to the filling of the streets, alleys and public places within such assessment district shall be borne by the private property within such district subject to assessment when so ordered by the council. When the assessments are payable in installments, the assessment roll when equalized, shall show the number of installments and the amounts thereof. The assessments may be made payable in any number of equal annual installments not exceeding ten in number.

[1965 c 7 § 35.55.060. Prior: 1917 c 63 § 2; 1909 c 147 § 5; RRS § 9436.]

### RCW 35.55.140

#### **Local improvement bonds and warrants -- Sale to pay damages, preliminary financing.**

The city council may negotiate sufficient warrants or bonds against any local improvement district at a price not less than ninety-five percent of their par value to raise sufficient money to pay any and all compensation which may be awarded for property damaged or taken in the **eminent domain** proceedings including the costs of such proceedings. In lieu of so doing, the city council may negotiate current or general expense fund warrants at par to raise funds for the payment of such compensation and expenses in the first instance, but in that event the current or general expense fund shall be reimbursed

out of the first moneys collected in any such local assessment district or realized from the negotiation or sale of local improvement warrants or bonds.

[1965 c 7 § 35.55.140. Prior: 1909 c 147 § 11; RRS § 9442.]

---

**Chapter 35.56 RCW**  
**LOCAL IMPROVEMENTS -- FILLING AND DRAINING LOWLANDS -- WATERWAYS**

**RCW SECTIONS**

- 35.56.010 Authority -- First and second class cities.
- 35.56.020 Alternative methods of financing.
- 35.56.030 Boundaries -- Excepted property.
- 35.56.040 Conditions precedent to passage of ordinance -- Protests.
- 35.56.050 Damages -- **Eminent domain**.
- 35.56.060 Estimates -- Plans and specifications.
- 35.56.070 Assessment roll -- Items -- Assessment units -- Installments.
- 35.56.080 Hearing on assessment roll -- Notice -- Council's authority.
- 35.56.090 Hearing -- Appellate review.
- 35.56.100 Lien -- Collection of assessments.
- 35.56.110 Interest on assessments.
- 35.56.120 Payment of cost of improvement -- Interest on warrants.
- 35.56.130 Local improvement bonds -- Terms.
- 35.56.140 Local improvement bonds -- Guaranties.
- 35.56.150 Local improvement bonds and warrants -- Sale to pay damages -- Preliminary financing.
- 35.56.160 Local improvement fund -- Investment.
- 35.56.170 Letting contracts for improvement -- Excess or deficiency of fund.
- 35.56.180 Payment of contractor -- Bonds -- Warrants -- Cash.
- 35.56.190 Tax levy -- General -- Purposes -- Limit.
- 35.56.200 Waterways constructed -- Requirements.
- 35.56.210 Waterways constructed -- Control.
- 35.56.220 Waterways constructed -- Leasing facilities.
- 35.56.230 Waterway shoreline front -- Lessee must lease abutting property.
- 35.56.240 Waterways constructed -- Acquisition of abutting property.
- 35.56.250 Waterways -- Abutting city owned lands -- Lease of.
- 35.56.260 Waterways -- Abutting lands -- Lessee must lease shoreline property.
- 35.56.270 Work by day labor.



35.56.280 Reassessments.

35.56.290 Provisions of chapter not exclusive.

#### NOTES:

Assessments and charges against state lands: Chapter 79.44 RCW.

#### **RCW 35.56.050**

##### **Damages -- Eminent domain.**

If an ordinance is passed as in this chapter provided, and it appears that in making of the improvements so authorized, private property will be taken or damaged thereby within or without the city, the city shall file a petition in the superior court of the county in which such city is situated, in the name of the city, praying that just compensation be made for the property to be taken or damaged for the improvement specified in the ordinance and conduct proceedings in **eminent domain** in accordance with the statutes relating to cities for the ascertainment of the compensation to be made for the taking and damaging of property, except insofar as the same may be inconsistent with this chapter.

The filling of unimproved and uncultivated lowlands of the character mentioned in RCW 35.56.010 shall not be considered as a damaging or taking of such lands. The damage, if any, done to cultivated lands or growing crops thereon, or to buildings and other improvements situated within the district proposed to be filled shall be ascertained and determined in the manner above provided; but no damage shall be awarded to any property owner for buildings or improvements placed upon lands included within said district after the publication of the ordinance defining the boundaries of the proposed improvement district: PROVIDED, That the city shall, after the passage of such ordinance, proceed with said improvement with due diligence.

If the improvement is to be made at the expense of the property benefited, no account shall be taken of benefits by the jury or court in assessing the amount of compensation to be made to the owner of any property within such district, but such compensation shall be assessed without regard to benefits to the end that said property for which damages may be so awarded, may be assessed the same as other property within the district for its just share and proportion of the expense of making said improvement, and the fact that compensation has been awarded for the damaging or taking of any parcel of land shall not preclude the assessment of such parcel of land for its just proportion of said improvement.

[1965 c 7 § 35.56.050. Prior: (i) 1913 c 16 § 3; RRS § 9451. (ii) 1929 c 63 § 4; 1913 c 16 § 21; RRS § 9469.]

#### NOTES:

**Eminent domain**, cities: Chapter 8.12 RCW.

#### **RCW 35.56.070**

##### **Assessment roll -- Items -- Assessment units -- Installments.**

When such plans and specifications shall have been prepared and the estimate of the cost and expense of making the improvement has been adopted by the council or commission and when an estimate has been made of the compensation to be paid for property damaged or taken, either before or after the compensation has been ascertained in the **eminent domain** proceedings, the city council or commission shall cause an assessment roll to be prepared containing a list of all the property within the improvement district which it is proposed to assess for the improvements together with the names of the owners, if

known, and if unknown, the property shall be assessed to an unknown owner, and opposite each description shall be set the amount assessed to such description.

When so ordered by the city council or commission, the entire amount of compensation paid or to be paid for property damaged or taken, including all of the costs and expenses incidental to the condemnation proceedings together with the entire cost and expense of making the improvement may be assessed against the property within the district subject to assessment, but the city council or commission may order any portion of the costs paid out of the current or general expense fund of the city. The assessments shall be made according to and in proportion to surface area, one square foot of surface to be the unit of assessment: PROVIDED, That where any parcel of land was wholly or partially filled by the owner prior to the initiation of the improvement an equitable deduction for such filling or partial filling may be allowed.

The cost and expense incidental to the filling of the streets, alleys and public places within said assessment district shall be borne by the private property within such district subject to assessment when so ordered by the city council or commission. When the assessments are payable in installments, the assessment roll when equalized shall show the number of installments and the amounts thereof. The assessment may be made payable in any number of equal annual installments not exceeding fifteen in number.

[1965 c 7 § 35.56.070. Prior: 1913 c 16 § 5; RRS § 9453.]

---

## **RCW 35.56.150**

### **Local improvement bonds and warrants -- Sale to pay damages -- Preliminary financing.**

The city council or commission may negotiate sufficient warrants or bonds against any local improvement district at a price not less than ninety-five percent of their par value to raise sufficient money to pay any and all compensation which may be awarded for property damaged or taken in the **eminent domain** proceedings, including the costs of such proceedings. In lieu of so doing, the city council or commission may negotiate current or general expense fund warrants at par to raise funds for the payment of such compensation and expenses in the first instance, but in that event the current or general expense fund shall be reimbursed out of the first moneys collected in any such local assessment district or realized from the negotiation or sale of local improvement warrants or bonds.

[1965 c 7 § 35.56.150. Prior: 1913 c 16 § 11; RRS § 9459.]

---

## **RCW 35.58.320**

### **Eminent domain.**

A metropolitan municipal corporation shall have power to acquire by purchase and condemnation all lands and property rights, both within and without the metropolitan area, which are necessary for its purposes. Such right of **eminent domain** shall be exercised by the metropolitan council in the same manner and by the same procedure as is or may be provided by law for cities, except insofar as such laws may be inconsistent with the provisions of this chapter.

[1993 c 240 § 8; 1965 c 7 § 35.58.320. Prior: 1957 c 213 § 32.]

## **NOTES:**

**Eminent domain** by cities: Chapter 8.12 RCW.

---

## **RCW 35.59.050**

### **Powers of condemnation.**

The accomplishment of the objectives authorized by this chapter is declared to be a strictly public purpose of the municipality or municipalities authorized to perform the same. Any such municipality shall have the power to acquire by condemnation and purchase any lands and property rights within its boundaries which are necessary to carry out the purposes authorized by this chapter. Such right of **eminent domain** shall be exercised by the legislative body of each such municipality in the manner provided by applicable general law.

[1967 c 110 § 5.]

---

## **Chapter 35.61 RCW METROPOLITAN PARK DISTRICTS**

### **RCW SECTIONS**

- 35.61.001 Actions subject to review by boundary review board.
- 35.61.010 Creation -- Territory included.
- 35.61.020 Election -- Resolution or petition -- Area.
- 35.61.030 Election -- Review by boundary review board -- Question stated.
- 35.61.040 Election -- Creation of district.
- 35.61.050 Composition of board -- Election of commissioners -- Terms -- Vacancies.
- 35.61.090 Elections -- Laws governing.
- 35.61.100 Indebtedness limit -- Without popular vote.
- 35.61.110 Indebtedness limit -- With popular vote.
- 35.61.115 Revenue bonds.
- 35.61.120 Park commissioners as officers of district -- Organization.
- 35.61.130 **Eminent domain** -- Park commissioners' authority, generally -- Prospective staff screening.
- 35.61.132 Disposition of surplus property -- Projects benefiting disadvantaged youth.
- 35.61.133 Executory conditional sales contracts for purchase of property -- Limit on indebtedness -- Election, when.
- 35.61.135 Contracts -- Competitive bidding -- Small works roster -- Exemption.
- 35.61.137 Community revitalization financing -- Public improvements.
- 35.61.140 Park commissioners -- Civil service for employees.
- 35.61.150 Park commissioners -- Compensation.
- 35.61.180 Designation of district treasurer.
- 35.61.190 Park district bonds -- Retirement.

- 35.61.200 Park district bonds -- Payment of interest.
- 35.61.210 Park district tax levy -- "Park district fund."
- 35.61.220 Petition for improvements on assessment plan.
- 35.61.230 Objections -- Appeal.
- 35.61.240 Assessment lien -- Collection.
- 35.61.250 Territorial annexation -- Authority -- Petition.
- 35.61.260 Territorial annexation -- Hearing on petition.
- 35.61.270 Territorial annexation -- Election -- Method.
- 35.61.275 Territorial annexation -- Park district containing city with population over one hundred thousand -- Assumption of indebtedness.
- 35.61.280 Territorial annexation -- Election -- Result.
- 35.61.290 Transfer of property by city, county, or other municipal corporation -- Emergency grant, loan, of funds by city.
- 35.61.300 Transfer of property by city, county, or other municipal corporation -- Assumption of indebtedness -- Issuance of refunding bonds.
- 35.61.310 Dissolution.
- 35.61.315 Disincorporation of district located in county with a population of two hundred ten thousand or more and inactive for five years.
- 35.61.350 Moorage facilities -- Regulations authorized -- Port charges, delinquency -- Abandoned vessels, public sale.
- 35.61.360 Withdrawal or reannexation of areas.
- 35.61.370 Park district containing city with population over one hundred thousand -- May commission police officers.

## NOTES:

Acquisition of  
land for and operation of public parks, beaches or camps: RCW 67.20.010.  
real or personal property for park purposes, conditional sales contracts: RCW 39.30.010.

Appeal of assessments and reassessments: RCW 35.44.200 through 35.44.270.

Contracts with community service organizations for public improvements: RCW 35.21.278.

Limitations upon indebtedness: State Constitution Art. 7 § 2 (Amendments 55, 59), Art. 8 § 6 (Amendment 27), chapter 39.36 RCW, RCW 84.52.050.

Local governmental organizations, actions affecting boundaries, etc., review by boundary review board: Chapter 36.93 RCW.

Metropolitan park district property subject to assessment: RCW 35.44.170.

Park and recreation districts: Chapter 36.69 RCW.

Public bonds, form, terms of sale, payment, etc.: Chapter 39.44 RCW.

Shorelands, parks or playgrounds, application, grant or exchange: RCW 79.125.710, 79.125.720.

### **RCW 35.61.130**

#### **Eminent domain -- Park commissioners' authority, generally -- Prospective staff screening.**

(1) A metropolitan park district has the right of **eminent domain**, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The right of **eminent domain** shall be exercised and instituted pursuant to resolution of the board of park commissioners and conducted in the same manner and under the same procedure as is or may be provided by law for the exercise of the power of **eminent domain** by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, HOWEVER, Funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter.

(2) The board of park commissioners shall have power to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park police, for a secretary of the board of park commissioners and for all necessary employees, to fix their salaries and duties.

(3) The board of park commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the park district, and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city and for the purchase of lands within or without the limits of said city, whenever it deems the purchase to be for the benefit of the public and for the interest of the park district, and for the maintenance and improvement thereof and for all expenses incidental to its duties: PROVIDED, That all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie.

(4) For all employees, volunteers, or independent contractors, who may, in the course of their work or volunteer activity with the park district, have unsupervised access to children or vulnerable adults, or be responsible for collecting or disbursing cash or processing credit/debit card transactions, park districts shall establish by resolution the requirements for a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030 , and 10.97.050 and through the federal bureau of investigation, including a fingerprint check using a complete Washington state criminal identification fingerprint card. The park district shall provide a copy of the record report to the employee, volunteer, or independent contractor. When necessary, as determined by the park district, prospective employees, volunteers, or independent contractors may be employed on a conditional basis pending completion of the investigation. If the prospective employee, volunteer, or independent contractor has had a record check within the previous twelve months, the park district may waive the

requirement upon receiving a copy of the record. The park district may in its discretion require that the prospective employee, volunteer, or independent contractor pay the costs associated with the record check.

[2006 c 222 § 1; 1969 c 54 § 1; 1965 c 7 § 35.61.130. Prior: (i) 1943 c 264 § 4, part; Rem. Supp. 1943 § 6741-4, part; prior: 1919 c 135 § 1, part; 1907 c 98 § 4; RRS § 6723, part. (ii) 1943 c 264 § 14; Rem. Supp. 1943 § 6741-14; prior: 1919 c 135 § 2; 1907 c 98 § 14; RRS § 6733.]

## NOTES:

Outdoor recreation land acquisition or improvement under marine recreation land act: Chapter 79A.25 RCW.

---

### Chapter 35.81 RCW COMMUNITY RENEWAL LAW

(Formerly Urban renewal law)

## RCW SECTIONS

- 35.81.005 Declaration of purpose and necessity.
- 35.81.015 Definitions.
- 35.81.030 Encouragement of private enterprise.
- 35.81.040 Formulation of workable program.
- 35.81.050 Findings by local governing body required -- Exercise of community renewal agency powers.
- 35.81.060 Comprehensive plan -- Preparation -- Hearing -- Approval -- Modification -- Effect.
- 35.81.070 Powers of municipality.
- 35.81.080 **Eminent domain.**
- 35.81.090 Acquisition, disposal of real property in community renewal area.
- 35.81.095 Selection of person to undertake redevelopment or rehabilitation of real property.
- 35.81.100 Bonds -- Issuance -- Form, terms, payment, etc. -- Fund for excess property tax, excise tax.
- 35.81.110 Bonds as legal investment, security.
- 35.81.115 General obligation bonds authorized.
- 35.81.120 Property of municipality exempt from process and taxes.
- 35.81.130 Powers of public bodies.
- 35.81.140 Conveyance to purchaser, etc., presumed to be in compliance with chapter.
- 35.81.150 Exercise of community renewal project powers.
- 35.81.160 Exercise of community renewal project powers -- Assignment of powers -- Community renewal agency.
- 35.81.170 Discrimination prohibited.
- 35.81.180 Restrictions against public officials or employees acquiring or owning an interest in project,

contract, etc.

35.81.190 Local improvement districts -- Establishment -- Special assessments -- Bonds.

35.81.200 Local improvement districts -- Content of notice.

35.81.910 Short title.

## **RCW 35.81.005**

### **Declaration of purpose and necessity.**

It is hereby found and declared that blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state exist in municipalities of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime and depreciation of property values, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, hinders job creation and economic growth, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of such areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, are conducive to fires, are difficult to police and to provide police protection for, and, while contributing little to the tax income of the state and its municipalities, consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization and other forms of public protection, services, and facilities.

It is further found and declared that certain of such areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this chapter, since the prevailing condition of decay may make impracticable the reclamation of the area by rehabilitation; that other areas or portions thereof may, through the means provided in this chapter, be susceptible of rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that to the extent feasible salvable blighted areas should be rehabilitated through voluntary action and the regulatory process.

It is further found and declared that there is an urgent need to enhance the ability of municipalities to act effectively and expeditiously to revive blighted areas and to prevent further blight due to shocks to the economy of the state and their actual and threatened effects on unemployment, poverty, and the availability of private capital for businesses and projects in the area.

It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended and the power of **eminent domain** exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

[2002 c 218 § 2; 1965 c 7 § 35.81.020. Prior: 1957 c 42 § 2. Formerly RCW 35.81.020.]

### **NOTES:**

**Severability -- 2002 c 218:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2002 c 218 § 28.]

**Savings -- Construction -- 2002 c 218:** "(1) This act does not impair any authority granted, any actions

undertaken, or any liability or obligation incurred under the sections amended in this act or under any rule, order, plan, or project adopted under those sections, nor does it impair any proceedings instituted under those sections.

(2) Any power granted in this act with respect to a community renewal plan, and any process authorized for the exercise of the power, may be used by any municipality in implementing any urban renewal plan or project adopted under chapter 35.81 RCW, to the same extent as if the plan were adopted as a community renewal plan.

(3) This act shall be liberally construed." [2002 c 218 § 29.]

---

## **RCW 35.81.070**

### **Powers of municipality.**

Every municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others granted under this chapter:

(1) To undertake and carry out community renewal projects within the municipality, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter, and to disseminate blight clearance and community renewal information.

(2) To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for, or in connection with, a community renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community renewal project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(3) To provide financial or technical assistance, using available public or private funds, to a person or public body for the purpose of creating or retaining jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

(4) To make payments, loans, or grants to, provide assistance to, and contract with existing or new owners and tenants of property in the community renewal areas as compensation for any adverse impacts, such as relocation or interruption of business, that may be caused by the implementation of a community renewal project, and/or consideration for commitments to develop, expand, or retain land uses that contribute to the success of the project or plan, including without limitation businesses that will create or retain jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

(5) To contract with a person or public body to provide financial assistance, authorized under this section, to property owners and tenants impacted by the implementation of the community renewal plan and to provide incentives to property owners and tenants to encourage them to locate in the community renewal area after adoption of the community renewal plan.

(6) Within the municipality, to enter upon any building or property in any community renewal area,



in order to make surveys and appraisals, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, **eminent domain**, or otherwise, any real property and such personal property as may be necessary for the administration of the provisions herein contained, together with any improvements thereon; to hold, improve, clear, or prepare for redevelopment any such property; to dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance: PROVIDED, That no statutory provision with respect to the acquisition, clearance, or disposition of property by public bodies shall restrict a municipality in the exercise of such functions with respect to a community renewal project.

(7) To invest any community renewal project funds held in reserves or sinking funds or any such funds which are not required for immediate disbursement, in property or securities in which mutual savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to RCW 35.81.100 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(8) To borrow money and to apply for, and accept, advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this chapter, and to enter into and carry out contracts in connection therewith. A municipality may include in any application or contract for financial assistance with the federal government for a community renewal project such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this chapter.

(9) Within the municipality, to make or have made all plans necessary to the carrying out of the purposes of this chapter and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify, and amend such plans. Such plans may include, without limitation: (a) A comprehensive plan or parts thereof for the locality as a whole, (b) community renewal plans, (c) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (d) plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, (e) appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of community renewal projects, and (f) plans to provide financial or technical assistance to a person or public body for the purpose of creating or retaining jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income. The municipality is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of blight, for job creation or retention activities, and to apply for, accept, and utilize grants of, funds from the federal government for such purposes.

(10) To prepare plans for the relocation of families displaced from a community renewal area, and to coordinate public and private agencies in such relocation, including requesting such assistance for this purpose as is available from other private and governmental agencies, both for the municipality and other parties.

(11) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this chapter, and in accordance with state law: (a) Levy taxes and assessments for such purposes; (b) acquire land either by negotiation or **eminent domain**, or both; (c) close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places; (d) plan or replan, zone or rezone any part of the

municipality; (e) adopt annual budgets for the operation of a community renewal agency, department, or offices vested with community renewal project powers under RCW 35.81.150; and (f) enter into agreements with such agencies or departments (which agreements may extend over any period) respecting action to be taken by such municipality pursuant to any of the powers granted by this chapter.

(12) Within the municipality, to organize, coordinate, and direct the administration of the provisions of this chapter as they apply to such municipality in order that the objective of remedying blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively.

(13) To contract with a person or public body to assist in carrying out the purposes of this chapter.

(14) To exercise all or any part or combination of powers herein granted.

[2002 c 218 § 7; 1965 c 7 § 35.81.070. Prior: 1957 c 42 § 7.]

#### NOTES:

**Severability -- Savings -- Construction -- 2002 c 218:** See notes following RCW 35.81.005.

#### RCW 35.81.080

##### **Eminent domain.**

A municipality shall have the right to acquire by condemnation, in accordance with the procedure provided for condemnation by such municipality for other purposes, any interest in real property, which it may deem necessary for a community renewal project under this chapter after the adoption by the local governing body of a resolution declaring that the acquisition of the real property described therein is necessary for such purpose. Condemnation for community renewal of blighted areas is declared to be a public use, and property already devoted to any other public use or acquired by the owner or a predecessor in interest by **eminent domain** may be condemned for the purposes of this chapter.

The award of compensation for real property taken for such a project shall not be increased by reason of any increase in the value of the real property caused by the assembly, clearance, or reconstruction, or proposed assembly, clearance, or reconstruction in the project area. No allowance shall be made for the improvements begun on real property after notice to the owner of such property of the institution of proceedings to condemn such property. Evidence shall be admissible bearing upon the insanitary, unsafe, or substandard condition of the premises, or the unlawful use thereof.

[2002 c 218 § 8; 1965 c 7 § 35.81.080. Prior: 1957 c 42 § 8.]

#### NOTES:

**Severability -- Savings -- Construction -- 2002 c 218:** See notes following RCW 35.81.005.

**Eminent domain** by cities: Chapter 8.12 RCW.

#### RCW 35.81.150

##### **Exercise of community renewal project powers.**

(1) A municipality may itself exercise its community renewal project powers or may, if the local governing body by ordinance or resolution determines such action to be in the public interest, elect to have such powers exercised by the community renewal agency or a department or other officers of the municipality or by any other public body.

(2) In the event the local governing body determines to have the powers exercised by the community renewal agency, such body may authorize the community renewal agency or department or other officers of the municipality to exercise any of the following community renewal project powers:

(a) To formulate and coordinate a workable program as specified in RCW 35.81.040.

(b) To prepare community renewal plans.

(c) To prepare recommended modifications to a community renewal project plan.

(d) To undertake and carry out community renewal projects as required by the local governing body.

(e) To acquire, own, lease, encumber, and sell real or personal property. The agency may not acquire real or personal property using the **eminent domain** process, unless authorized independently of this chapter.

(f) To create local improvement districts under RCW 35.81.190 and 35.81.200.

(g) To issue bonds from time to time in its discretion to finance the undertaking of any community renewal project under this chapter. The bonds issued under this section must meet the requirements of RCW 35.81.100.

(h) To make and execute contracts as specified in RCW 35.81.070, with the exception of contracts for the purchase or sale of real or personal property.

(i) To disseminate blight clearance and community renewal information.

(j) To exercise the powers prescribed by RCW 35.81.070(2), except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages, shall be reserved to the local governing body.

(k) To enter any building or property, in any community renewal area, in order to make surveys and appraisals in the manner specified in RCW 35.81.070(6).

(l) To improve, clear, or prepare for redevelopment any real or personal property in a community renewal area.

(m) To insure real or personal property as provided in RCW 35.81.070(6).

(n) To effectuate the plans provided for in RCW 35.81.070(9).

(o) To prepare plans for the relocation of families displaced from a community renewal area and to coordinate public and private agencies in such relocation.

(p) To prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

(q) To conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of community renewal projects.

(r) To negotiate for the acquisition of land.

(s) To study the closing, vacating, planning, or replanning of streets, roads, sidewalks, ways, or other places and to make recommendations with respect thereto.

(t) To provide financial and technical assistance to a person or public body, for the purpose of creating or retaining jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

(u) To make payments, grants, and other assistance to, or contract with, existing or new owners and tenants of property in the community renewal area, under RCW 35.81.070.

(v) To organize, coordinate, and direct the administration of the provisions of this chapter.

(w) To perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and the performance of the duties and responsibilities entrusted to the local governing body.

Any powers granted in this chapter that are not included in this subsection (2) as powers of the community renewal agency or a department or other officers of a municipality in lieu thereof may only be exercised by the local governing body or other officers, boards, and commissions as provided by law.

[2002 c 218 § 17; 1965 c 7 § 35.81.150. Prior: 1957 c 42 § 15.]

## NOTES:

**Severability -- Savings--Construction -- 2002 c 218:** See notes following RCW 35.81.005.

---

## Chapter 35.82 RCW HOUSING AUTHORITIES LAW

### RCW SECTIONS

35.82.010 Finding and declaration of necessity.

35.82.020 Definitions.

35.82.030 Creation of housing authorities.

35.82.040 Appointment, qualifications, and tenure of commissioners.

35.82.045 Cities with a population of 400,000 or more -- Appointment of additional commissioners -- Appointment, compensation of commissioners -- Organization of authority.

35.82.050 Conflicts of interest for commissioners, employees, and appointees.

35.82.060 Removal of commissioners.

35.82.070 Powers of authority.

- 35.82.076 Small works roster.
- 35.82.080 Operation not for profit.
- 35.82.090 Rentals and tenant selection.
- 35.82.100 Cooperation between authorities.
- 35.82.110 **Eminent domain.**
- 35.82.120 Planning, zoning and building laws.
- 35.82.130 Bonds.
- 35.82.140 Form and sale of bonds.
- 35.82.150 Provisions of bonds, trust indentures, and mortgages.
- 35.82.160 Certification by attorney general.
- 35.82.170 Remedies of an obligee of authority.
- 35.82.180 Additional remedies conferable by authority.
- 35.82.190 Exemption of property from execution sale.
- 35.82.200 Aid from federal government.
- 35.82.210 Tax exemption and payments in lieu of taxes -- Definitions.
- 35.82.220 Housing bonds legal investments and security.
- 35.82.230 Reports.
- 35.82.240 Rural housing projects.
- 35.82.250 Housing applications by farmers.
- 35.82.260 Farmers of low income.
- 35.82.270 Powers are additional.
- 35.82.280 Supplemental projects.
- 35.82.285 Group homes or halfway houses for released juveniles or developmentally disabled.
- 35.82.300 Joint housing authorities -- Creation authorized -- Contents of ordinances creating -- Powers.
- 35.82.310 Joint housing authorities -- Dissolution.
- 35.82.320 Deactivation of housing authority -- Procedure.
- 35.82.325 Deactivation of housing authority -- Distribution of assets.
- 35.82.330 Chapter not applicable to certain transfers of property.
- 35.82.900 Short title.
- 35.82.910 Chapter controlling.

#### **NOTES:**

**Eminent domain:** Title 8 RCW.

Loans and grants for low-income housing: RCW 35.21.685 and 36.32.415.

**RCW 35.82.070****Powers of authority.**

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; to participate in the organization or the operation of a nonprofit corporation which has as one of its purposes to provide or assist in the provision of housing for persons of low income; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units that do not constitute a housing project as that term is defined in this chapter. However, notwithstanding the provisions under subsection (1) of this section, dwelling units made available or sold to persons of low income, together with functionally related and subordinate facilities, shall occupy at least fifty percent of the interior space in the total development owned by the authority or at least fifty percent of the total number of units in the development owned by the authority, whichever produces the greater number of units for persons of low income, and for mobile home parks, the mobile home lots made available to persons of low income shall be at least fifty percent of the total number of mobile home lots in the park owned by the authority; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or

any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of **eminent domain** any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to sell, lease, exchange, transfer, or dispose of any real or personal property or interest therein at less than fair market value to a governmental entity for any purpose when such action assists the housing authority in carrying out its powers and purposes under this chapter, to a low-income person or family for the purpose of providing housing for that person or family, or to a nonprofit corporation provided the nonprofit corporation agrees to sell the property to a low-income person or family or to use the property for the provision of housing for persons of low income for at least twenty years; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(6) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(7) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(8) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(9) To initiate eviction proceedings against any tenant as provided by law. Activity occurring in any housing authority unit that constitutes a violation of chapter 69.41, 69.50 or 69.52 RCW shall constitute a nuisance for the purpose of RCW 59.12.030(5).

(10) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

(11) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

(12) Upon the request of a county or city, to exercise any powers of a community renewal agency under chapter 35.81 RCW or a public corporation, commission, or authority under chapter 35.21 RCW.

(13) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

(14) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

(15) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

(16) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the authority is a party.

(17) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans to persons of low income to enable them to acquire, construct, reconstruct, rehabilitate, improve, lease, or refinance their dwellings, and to take such security therefor as is deemed necessary and prudent by the authority.

(18) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing, or refinancing of land, buildings, or developments for housing for persons of low income. For purposes of this subsection, development shall include either land or buildings or both.

(a) Any development financed under this subsection shall be subject to an agreement that for at least twenty years the dwelling units made available to persons of low income together with functionally related and subordinate facilities shall occupy at least fifty percent of the interior space in the total development or at least fifty percent of the total number of units in the development, whichever produces the greater number of units for persons of low income. For mobile home parks, the mobile home lots made available to persons of low income shall be at least fifty percent of the total number of mobile home lots in the park. During the term of the agreement, the owner shall use its best efforts in good faith to maintain the dwelling units or mobile home lots required to be made available to persons of low income at rents affordable to persons of low income. The twenty-year requirement under this subsection (18)(a) shall not apply when an authority finances the development by nonprofit corporations or governmental units of dwellings or mobile home lots intended for sale to persons of low and moderate income, and shall not apply to construction or other short-term financing provided to nonprofit corporations or governmental units when the financing has a repayment term of one year or less.

(b) In addition, if the development is owned by a for-profit entity, the dwelling units or mobile home lots required to be made available to persons of low income shall be rented to persons whose incomes do not exceed fifty percent of the area median income, adjusted for household size, and shall have unit or lot rents that do not exceed fifteen percent of area median income, adjusted for household size, unless rent subsidies are provided to make them affordable to persons of low income.

For purposes of this subsection (18)(b), if the development is owned directly or through a partnership



by a governmental entity or a nonprofit organization, which nonprofit organization is itself not controlled by a for-profit entity or affiliated with any for-profit entity that a nonprofit organization itself does not control, it shall not be treated as being owned by a for-profit entity when the governmental entity or nonprofit organization exercises legal control of the ownership entity and in addition, (i) the dwelling units or mobile home lots required to be made available to persons of low income are rented to persons whose incomes do not exceed sixty percent of the area median income, adjusted for household size, and (ii) the development is subject to an agreement that transfers ownership to the governmental entity or nonprofit organization or extends an irrevocable right of first refusal to purchase the development under a formula for setting the acquisition price that is specified in the agreement.

(c) Commercial space in any building financed under this subsection that exceeds four stories in height shall not constitute more than twenty percent of the interior area of the building. Before financing any development under this subsection the authority shall make a written finding that financing is important for project feasibility or necessary to enable the authority to carry out its powers and purposes under this chapter.

(19) To contract with a public authority or corporation, created by a county, city, or town under RCW 35.21.730 through 35.21.755, to act as the developer for new housing projects or improvement of existing housing projects.

[2002 c 218 § 22; 1993 c 478 § 17; 1991 c 167 § 1; 1989 c 363 § 2; 1985 c 386 § 1; 1983 c 225 § 2; 1977 ex.s. c 274 § 2; 1965 c 7 § 35.82.070. Prior: 1945 c 43 § 1; 1939 c 23 § 8; Rem. Supp. 1945 § 6889-8. Formerly RCW 74.24.070.]

#### NOTES:

**Severability -- Savings -- Construction -- 2002 c 218:** See notes following RCW 35.81.005.

**Severability -- 1983 c 225:** See note following RCW 35.82.020.

---

#### RCW 35.82.110

##### **Eminent domain.**

An authority shall have the right to acquire by the exercise of the power of **eminent domain** any real property which it may deem necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of **eminent domain** in the same manner and under the same procedure as now is or may be hereafter provided by law in the case of other corporations authorized by the laws of the state to exercise the right of **eminent domain**; or it may exercise the power of **eminent domain** in the manner now or which may be hereafter provided by any other applicable statutory provisions for the exercise of the power of **eminent domain**. Property already devoted to a public use may be acquired in like manner: PROVIDED, That no real property belonging to the city, the county, the state or any political subdivision thereof may be acquired without its consent.

[1965 c 7 § 35.82.110. Prior: 1939 c 23 § 12; RRS § 6889-12. Formerly RCW 74.24.110.]

#### NOTES:

**Eminent domain:** Title 8 RCW.

---

#### RCW 35.82.285

### **Group homes or halfway houses for released juveniles or developmentally disabled.**

Housing authorities created under this chapter may establish and operate group homes or halfway houses to serve juveniles released from state juvenile or correctional institutions, or to serve the developmentally disabled as defined in \*RCW 71A.10.020(2). Authorities may contract for the operation of facilities so established, with qualified nonprofit organizations as agent of the authority. Authorities may provide support or supportive services in facilities serving juveniles, the developmentally disabled or other persons under a disability, and the frail elderly, whether or not they are operated by the authority.

Action under this section shall be taken by the authority only after a public hearing as provided by chapter 42.30 RCW. In exercising this power the authority shall not be empowered to acquire property by **eminent domain**, and the facilities established shall comply with all zoning, building, fire, and health regulations and procedures applicable in the locality.

[1991 c 167 § 3; 1973 1st ex.s. c 198 § 2.]

#### **NOTES:**

**\*Reviser's note:** RCW 71A.10.020 was amended by 1998 c 216 § 2, changing subsection (2) to subsection (3).

**Effective date -- 1973 1st ex.s. c 198:** See note following RCW 13.06.050.

---

## **Chapter 35.84 RCW UTILITY AND OTHER SERVICES BEYOND CITY LIMITS**

### **RCW SECTIONS**

- 35.84.010 Electric energy -- Sale of -- Purchase.
- 35.84.020 Electric energy facilities -- Right to acquire.
- 35.84.030 Limitation on right of **eminent domain**.
- 35.84.040 Fire apparatus -- Use beyond city limits.
- 35.84.050 Fireman injured outside corporate limits.
- 35.84.060 Street railway extensions.

---

#### **RCW 35.84.030**

##### **Limitation on right of eminent domain.**

Every city or town owning its own electric power and light plant may exercise the power of **eminent domain** as provided by law for the condemnation of private property for any of the corporate uses or purposes of the city or town: PROVIDED, That no city or town shall acquire, by purchase or condemnation, any publicly or privately owned electric power and light plant or electric system located in any other city or town except with the approval of a majority of the qualified electors of the city or town in which the property to be acquired is situated; nor shall any city or town acquire by condemnation the electric power and light plant or electric system, or any part thereof, belonging to or owned or operated by any municipal corporation, mutual, nonprofit, or cooperative association or

organization, or by a public utility district.

[1965 c 7 § 35.84.030. Prior: 1933 c 51 § 3; RRS § 9209-3.]

**NOTES:**

**Eminent domain** by cities: Chapter 8.12 RCW.

---

**RCW 35.86.030**

**Acquisition and disposition of real property.**

Such cities are authorized to obtain by lease, purchase, donation and/or gift, or by **eminent domain** in the manner provided by law for the exercise of this power by cities, such real property for off-street parking as the legislative bodies thereof determine to be necessary by ordinance. Such property or any fraction or fractions thereof may be sold, transferred, exchanged, leased, or otherwise disposed of by the city when its legislative body has determined by ordinance such property or fraction or fractions thereof is no longer necessary for off-street parking purposes.

[1965 c 7 § 35.86.030. Prior: 1961 c 186 § 3; 1959 c 302 § 3.]

**NOTES:**

**Eminent domain** by cities: Chapter 8.12 RCW.

---

**RCW 35.86A.080**

**New off-street parking facilities -- Powers of parking commission and city council.**

(1) Whenever the parking commission intends to construct new off-street parking facilities it shall:

(a) Prepare plans for such proposed development, which shall meet the approval of the planning commission, other appropriate city planning agency, or city council;

(b) Prepare a report to the city council stating the proposed method of financing and property acquisition;

(c) Specify the property rights, if any, to be secured from the public or of property devoted to public use; the uses of streets necessary therefor, or realignment or vacation of streets and alleys; the relocation of street utilities; and any street area to be occupied or closed during construction.

(2) In the event the proposed parking facility shall require:

(a) Creation of a local improvement district;

(b) Issuance of bonds, allocation or appropriation of municipal revenues from other sources, or guarantees of or use of the credit of the municipality;

(c) Exercise of the power of **eminent domain**; or

(d) Use of, or vacation, realignment of streets and alleys, or relocation of municipal utilities.

One or more public hearings shall be held thereon before the city council, or an assigned committee

thereof, which shall report its recommendations to be approved, revised, or rejected by the city council. Such hearings may be consolidated with any required hearings for street vacations, or creation of a local improvement district. Pursuant to such hearing, the city council may:

- (1) Create a local improvement district to finance all or part of the parking facility, in accordance with Title 35 RCW, as now existing or hereinafter amended: PROVIDED, HOWEVER, That assessments against property within the district may be measured per lot, per square foot, by property valuation, or any other method as fairly reflects the special benefits derived therefrom, and credit in calculating the assessment may be allowed for property rights or services performed;
- (2) Provide for issuance of revenue bonds payable from revenues of the proposed parking facility, from other off-street parking facilities, on-street meter collections, or allocations of other sources of funds; issue general obligation bonds; make reimbursable or nonrefundable appropriations from the general fund, or reserves; and/or guarantee bonds issued or otherwise pledge the city's credit, all in such combination, and under such terms and conditions as the city council shall specify;
- (3) Authorize acquisition of the necessary property and property rights by **eminent domain** proceedings, in the manner authorized by law for cities in Title 8 RCW: PROVIDED, That the city council shall first determine that the proposed parking facility will promote the circulation of traffic or the more convenient or efficient use by the public of streets or public facilities in the immediate area than would exist if the proposed parking facility were not provided, or that the parking facility otherwise enhances the public health, safety and welfare; and
- (4) Authorize and execute the necessary transfer or control of property rights; vacate or realign streets and alleys or permit uses within the same; and direct relocation of street utilities.

In event none of the four above powers need be exercised, the city council's approval of construction plans shall be deemed full authority to construct and complete the parking facility.

[1969 ex.s. c 204 § 8.]

---

## RCW 35.92.190

### City may extend water system outside limits -- Cannot condemn irrigation system.

No city or town may exercise the power of **eminent domain** to take or damage any waterworks, storage reservoir, site, pipe line distribution system or any extension thereof, or any water right, water appropriation, dam, canal, plant, or any interest in, or to any of the above used, operated, held, or owned by an irrigation district.

[1965 c 7 § 35.92.190. Prior: 1933 ex.s. c 17 § 2A; RRS § 9502-2A. Formerly RCW 80.40.190.]

## NOTES:

**Eminent domain** by cities: Chapter 8.12 RCW.

---

## RCW 35A.11.030

### Applicability of general law.

Powers of **eminent domain**, borrowing, taxation, and the granting of franchises may be exercised by the legislative bodies of code cities in the manner provided in this title or by the general law of the state

where not inconsistent with this title; and the duties to be performed and the procedure to be followed by such cities in regard to the keeping of accounts and records, official bonds, health and safety and other matters not specifically provided for in this title, shall be governed by the general law. For the purposes of this title, "the general law" means any provision of state law, not inconsistent with this title, enacted before or after the passage of this title which is by its terms applicable or available to all cities or towns.

[1967 ex.s. c 119 § 35A.11.030.]

---

## **RCW 35A.42.010**

### **City treasurer -- Miscellaneous authority and duties.**

In addition to authority granted and duties imposed upon code city treasurers by this title, code city treasurers, or the officers designated by charter or ordinance to perform the duties of a treasurer, shall have the duties and the authority to perform the following: (1) As provided in RCW 8.12.500 relating to bonds and compensation payments in **eminent domain** proceedings; (2) as provided in RCW 68.52.050 relating to cemetery improvement funds; (3) as provided in RCW 41.28.080 relating to custody of employees' retirement funds; (4) as provided in RCW 47.08.100 relating to the use of city street funds; (5) as provided in RCW 46.68.080 relating to motor vehicle funds; (6) as provided in RCW 41.16.020 and chapter 41.20 RCW relating to police and firemen's relief and pension boards; (7) as provided in chapter 42.20 RCW relating to misappropriation of funds; and (8) as provided in chapter 39.60 RCW relating to investment of municipal funds. The treasurer shall be subject to the penalties imposed for the violation of any of such provisions. Where a provision of this title, or the general law, names the city treasurer as an officer of a board or other body, or assigns duties to a city treasurer, such position shall be filled, or such duties performed, by the officer of a code city who is performing the duties usually performed by a city treasurer, although he may not have that designation.

[1987 c 331 § 78; 1984 c 258 § 320; 1967 ex.s. c 119 § 35A.42.010.]

### **NOTES:**

**Effective date -- 1987 c 331:** See RCW 68.05.900.

**Court Improvement Act of 1984 -- Effective dates -- Severability -- Short title -- 1984 c 258:** See notes following RCW 3.30.010.

**Intent -- 1984 c 258:** See note following RCW 3.46.120.

---

**Chapter 35A.64 RCW**  
**PUBLIC PROPERTY, REAL AND PERSONAL**

## **RCW SECTIONS**

35A.64.010 Acquisition of by conditional sales contracts.

35A.64.020 Purchase of products made by blind.

35A.64.180 Disinfection of property.

35A.64.200 **Eminent domain** by cities.

### **RCW 35A.64.200**

#### **Eminent domain by cities.**

A code city may exercise all powers relating to **eminent domain** as authorized by chapters 8.12 and 8.28 RCW in accordance with the procedures therein prescribed and subject to any limitations therein provided.

[1967 ex.s. c 119 § 35A.64.200.]

### **RCW 36.32.435**

#### **Historic preservation -- Authorization to acquire property, borrow money, issue bonds, etc.**

Any county may acquire title to or any interest in real and personal property for the purpose of historic preservation and may restore, improve, maintain, manage, and lease the property for public or private use and may enter into contracts, borrow money, and issue bonds and other obligations for such purposes. This authorization shall not expand the **eminent domain** powers of counties.

[1984 c 203 § 4.]

#### **NOTES:**

**Severability -- 1984 c 203:** See note following RCW 35.43.140.

### **RCW 36.57.010**

#### **Definitions.**

For the purposes of this chapter the following definitions shall apply:

(1) "Authority" means the county transportation authority created pursuant to this chapter.

(2) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of financial management.

(3) "Public transportation function" means the transportation of passengers and their incidental baggage by means other than by chartered bus, sightseeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and

from such people-moving systems, and may include contracting for the provision of ambulance services for the transportation of the sick and injured: PROVIDED, That such contracting for ambulance services shall not include the exercise of **eminent domain** powers: PROVIDED, FURTHER, That nothing shall prohibit an authority from leasing its buses to private certified carriers or prohibit the county from providing school bus service.

[1981 c 319 § 1; 1979 c 151 § 39; 1974 ex.s. c 167 § 1.]

#### NOTES:

Population determinations, office of financial management: Chapter 43.62 RCW.

#### **RCW 36.58.100**

#### **Solid waste disposal district -- Authorized -- Boundaries -- Powers -- Governing body.**

The legislative authority of any county with a population of less than one million is authorized to establish one or more solid waste disposal districts within the county for the purpose of providing and funding solid waste disposal services. No solid waste disposal district may include any area within the corporate limits of a city or town unless the city or town governing body adopts a resolution approving inclusion of the area within its limits. The county legislative authority may modify the boundaries of the solid waste disposal district by the same procedure used to establish the district. A solid waste disposal district may be dissolved by the county legislative authority after holding a hearing as provided in RCW 36.58.110.

As used in RCW 36.58.100 through 36.58.150 the term "county" includes all counties other than a county with a population of one million or more.

A solid waste disposal district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A solid waste disposal district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute: PROVIDED, That a solid waste disposal district shall not have the power of **eminent domain**.

The county legislative authority shall be the governing body of a solid waste disposal district. The electors of a solid waste disposal district shall be all registered voters residing within the district.

[1991 c 363 § 75; 1982 c 175 § 1.]

#### NOTES:

**Purpose -- Captions not law -- 1991 c 363:** See notes following RCW 2.32.180.

**Severability -- 1982 c 175:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 175 § 9.]

---

#### **Chapter 36.60 RCW**

## COUNTY RAIL DISTRICTS

### RCW SECTIONS

- 36.60.010 Establishment of district -- Boundaries -- Powers.
- 36.60.020 Establishment, modification, or dissolution of district -- Public notice and hearing -- Election.
- 36.60.030 Authority of district to provide rail service.
- 36.60.040 Excess property tax levies authorized.
- 36.60.050 General obligation bonds authorized -- Limitations -- Terms.
- 36.60.060 Revenue bonds authorized -- Limitations -- Terms.
- 36.60.070 Power of **eminent domain**.
- 36.60.100 Establishment, modification, or dissolution of district -- Alternate method.
- 36.60.110 Establishment, modification, or dissolution of district -- Alternate method -- Petition.
- 36.60.120 Establishment, modification, or dissolution of district -- Alternate method -- Public hearing.
- 36.60.130 Establishment, modification, or dissolution of district -- Alternate method -- Determination by county legislative authority.
- 36.60.140 Annexation by boundary modification -- Assumption of outstanding indebtedness.
- 36.60.900 Liberal construction.
- 36.60.905 Severability -- 1983 c 303.

#### **RCW 36.60.070**

##### **Power of eminent domain.**

A county rail district may exercise the power of **eminent domain** to obtain property for its authorized purposes in the manner counties exercise the powers of **eminent domain**.

[1983 c 303 § 14.]

#### **NOTES:**

**Eminent domain** by counties: Chapter 8.08 RCW.

#### **RCW 36.61.150**

##### **Special assessment roll -- Appeal to superior and appellate courts -- Procedure.**

The decision of a county legislative authority upon any objection to the special assessment roll may be appealed to the superior court only if the objection had been timely made in the manner prescribed in this chapter. The appeal shall be made within ten days after publication of a notice that the resolution confirming the special assessment roll has been adopted by filing written notice of the appeal with the county legislative authority and the clerk of the superior court in the county in which the real property is situated. The notice of appeal shall describe the property and set forth the objections of the appellant to the special assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of the court a transcript consisting of the special



assessment roll and his or her objections thereto, together with the resolution confirming such special assessment roll and the record of the county legislative authority with reference to the special assessment or annual special assessments, which transcript, upon payment of the necessary fees therefor, shall be furnished by an officer of the county and by him or her certified to contain full, true, and correct copies of all matters and proceedings required to be included in the transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions.

At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with a surety or sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs incurred by the county because of the appeal. The court may order the appellant, upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require.

Within three days after such transcript is filed in the superior court, the appellant shall give written notice to the county legislative authority that such transcript is filed. The notice shall state a time, not less than three days from the service thereof, when the appellant will call up the cause for hearing.

The superior court shall, at this time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in the court, except proceedings under an act relating to **eminent domain** in such county and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify, or annul the special assessment or annual special assessments insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer having custody of the special assessment roll, and he or she shall modify and correct such special assessment roll in accordance with the decision.

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of the superior court, and the record and opening brief of the appellant in the cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal is taken by notice as provided in this section. The time for filing the record and serving and filing of briefs may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, modify, confirm, or annul the special assessment or annual special assessments insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such special assessment roll, who shall thereupon modify and correct such special assessment roll in accordance with such decision.

[1985 c 398 § 15.]

---

#### **RCW 36.64.070**

#### **Counties with populations of two hundred ten thousand or more -- Contracts with cities concerning buildings and related improvements.**

Any county with a population of two hundred ten thousand or more may contract with any city or cities within such county for the financing, erection, ownership, use, lease, operation, control or maintenance of any building or buildings, including open spaces, off-street parking facilities for the use of county and city employees and persons doing business with such county or city, plazas and other improvements

incident thereto, for county or city, or combined county-city, or other public use. Property for such buildings and related improvements may be acquired by either such county or city or by both by lease, purchase, donation, exchange, and/or gift or by **eminent domain** in the manner provided by law for the exercise of such power by counties and cities respectively and any property acquired hereunder, together with the improvements thereon, may be sold, exchanged or leased, as the interests of said county, city or cities may from time to time require.

[1991 c 363 § 78; 1965 c 24 § 1.]

## NOTES:

**Purpose -- Captions not law -- 1991 c 363:** See notes following RCW 2.32.180.

## Chapter 36.68 RCW PARKS AND RECREATIONAL FACILITIES

### RCW SECTIONS

- 36.68.010 Counties may establish park and playground systems -- Disposition of surplus park property.
- 36.68.020 Programs of public recreation.
- 36.68.030 Park and recreation board -- Composition.
- 36.68.040 Park and recreation board -- Terms of members.
- 36.68.050 Park and recreation board -- Removal of members -- Vacancies.
- 36.68.060 Park and recreation board -- Powers and duties.
- 36.68.070 Park and recreation fund.
- 36.68.080 Penalty for violations of regulations.
- 36.68.090 Counties authorized to build, improve, operate and maintain, etc., parks, playgrounds, gymnasiums, swimming pools, beaches, stadiums, golf courses, etc., and other recreational facilities -- Regulation -- Charges for use.
- 36.68.100 Moorage facilities -- Regulations authorized -- Port charges, delinquency -- Abandoned vessels, public sale.
- 36.68.110 Counties authorized to permit public libraries on land used for park and recreation purposes.

### PARK AND RECREATION SERVICE AREAS

- 36.68.400 Creation authorized -- Purposes -- Taxing districts -- Powers.
- 36.68.410 May be initiated by resolution or petition.
- 36.68.420 Resolution or petition -- Contents.
- 36.68.430 Petitions -- Verification of signatures.
- 36.68.440 Feasibility and cost studies -- Public hearing -- Notice.
- 36.68.450 Hearing procedure -- Inclusion of property -- Examination of reports -- Recess.
- 36.68.460 Findings of county commissioners -- Dismissal of proceedings, limitation on subsequent

initiation.

- 36.68.470 Resolution ordering election -- Election procedure -- Formation.
- 36.68.480 Property tax levies or bond retirement levies -- Election.
- 36.68.490 Annual excess levy or bond retirement levies -- Election procedure -- Vote required.
- 36.68.500 Resolution declaring formation -- Treasurer -- Disbursement procedure.
- 36.68.510 Local service area fund.
- 36.68.520 Annual excess property tax levy -- General obligation bonds.
- 36.68.525 Six-year regular property tax levies -- Limitations -- Election.
- 36.68.527 Community revitalization financing -- Public improvements.
- 36.68.530 Budgets -- Appropriations -- Accumulation of reserves.
- 36.68.541 Employees.
- 36.68.550 Use and admission fees and charges.
- 36.68.555 **Eminent domain.**
- 36.68.560 Concessions.
- 36.68.570 Use of funds -- Purchases.
- 36.68.580 Ownership of parks and facilities -- Expenditure of funds budgeted for park purposes.
- 36.68.590 Purpose -- Level of services -- General park programs.
- 36.68.600 Use of park and recreation service area funds in exercise of powers enumerated in chapter 67.20 RCW.
- 36.68.610 Area which may be included -- Inclusion of area within city or town -- Procedure.
- 36.68.620 Enlargement by inclusion of additional area -- Procedure.

#### NOTES:

Acquisition of interests in land for conservation, protection, preservation, or open space purposes by counties: RCW 64.04.130.

Contracts with community service organizations for public improvements: RCW 35.21.278.

Executory conditional sales contracts for purchase of property for park and library purposes: RCW 39.30.010.

Outdoor recreation land acquisition or improvement under marine recreation land act: Chapter 79A.25 RCW.

Parks, bathing beaches, public camps, county may acquire and operate: Chapter 67.20 RCW.

RCW 39.33.060 to govern on sales by water-sewer district for park and recreational purposes: RCW 57.08.140.

State parks and recreation commission: Chapter 79A.05 RCW.

Transfer of real property or contract for use for park and recreational purposes: RCW 39.33.060.

---

### **RCW 36.68.555**

#### **Eminent domain.**

A park and recreation service area may exercise the power of **eminent domain** to obtain property for its authorized purposes in a manner consistent with the power of **eminent domain** of the county in which the park and recreation service area is located.

[1988 c 82 § 8.]

---

### **RCW 36.69.270**

#### **L.I.D.'s -- Powers and duties of board upon formation.**

If the board of park and recreation commissioners finds that the district should be formed, it shall by resolution order the improvement, adopt detailed plans of the local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the park and recreation district such **eminent domain** proceedings as may be necessary to entitle the district to proceed with the work. The board shall thereupon proceed with the work and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

[1963 c 4 § 36.69.270. Prior: 1957 c 58 § 28.]

---

## **Chapter 36.73 RCW TRANSPORTATION BENEFIT DISTRICTS**

### **RCW SECTIONS**

36.73.010 Intent.

36.73.015 Definitions.

36.73.020 Establishment of district by county or city -- Participation by other jurisdictions.

36.73.030 Establishment of district by city.

36.73.040 General powers of district.

36.73.050 Establishment of district -- Public hearing.

36.73.060 Authority to levy property tax.

36.73.065 Taxes, fees, charges, tolls -- Voter approval required.

36.73.070 Authority to issue general obligation bonds, revenue bonds.

36.73.080 Local improvement districts authorized -- Special assessments -- Bonds.

36.73.090 Printing of bonds.

36.73.100 Use of bond proceeds.

36.73.110 Acceptance and use of gifts and grants.

36.73.120 Imposition of fees on building construction or land development -- Limitations.

36.73.130 Power of **eminent domain**.

36.73.140 Authority to contract for street and highway improvements.

36.73.150 Department of transportation, counties, cities, and other jurisdictions may fund transportation improvements.

36.73.160 Transportation improvement projects -- Material change policy -- Annual report.

36.73.170 Completion of transportation improvement -- Termination of district operations -- Termination of taxes, fees, charges, and tolls -- Dissolution of district.

36.73.900 Liberal construction.

#### NOTES:

Roads and bridges, service districts: Chapter 36.83 RCW.

#### RCW 36.73.130

##### Power of eminent domain.

A district may exercise the power of **eminent domain** to obtain property for its authorized purposes in the same manner as authorized for the city or county legislative authority that established the district.

[2005 c 336 § 12; 1987 c 327 § 13.]

#### NOTES:

**Effective date -- 2005 c 336:** See note following RCW 36.73.015.

#### RCW 36.75.040

##### Powers of county commissioners.

The board of county commissioners of each county, in relation to roads and bridges, shall have the power and it shall be its duty to:

(1) Acquire in the manner provided by law property real and personal and acquire or erect structures necessary for the administration of the county roads of such county;

(2) Maintain a county engineering office and keep record of all proceedings and orders pertaining to the county roads of such county;

(3) Acquire land for county road purposes by purchase, gift, or condemnation, and exercise the right of **eminent domain** as by law provided for the taking of land for public use by counties of this state;

(4) Perform all acts necessary and proper for the administration of the county roads of such county as by law provided;

(5) In its discretion rent or lease any lands, improvements or air space above or below any county road or unused county roads to any person or entity, public or private: PROVIDED, That the said renting or leasing will not interfere with vehicular traffic along said county road or adversely affect the

safety of the traveling public: PROVIDED FURTHER, That any such sale, lease or rental shall be by public bid in the manner provided by law: AND PROVIDED FURTHER, That nothing herein shall prohibit any county from granting easements of necessity.

[1969 ex.s. c 182 § 15; 1963 c 4 § 36.75.040. Prior: 1937 c 187 § 3; RRS § 6450-3.]

---

## Chapter 36.83 RCW ROADS AND BRIDGES -- SERVICE DISTRICTS

### RCW SECTIONS

- 36.83.010 Service districts authorized -- Bridge and road improvements -- Powers -- Governing body.
- 36.83.020 Establishment -- Notice, hearing -- Termination of proceedings -- Modification of boundaries -- Dissolution.
- 36.83.030 Excess ad valorem property taxes authorized.
- 36.83.040 General obligation bonds, excess property tax levies authorized -- Limitations.
- 36.83.050 Local improvement districts authorized -- Assessments -- Special assessment bonds and revenue bonds -- Limitations.
- 36.83.060 Bonds -- Form.
- 36.83.070 Bonds -- Use of proceeds.
- 36.83.080 Gifts, grants, and donations.
- 36.83.090 **Eminent domain.**
- 36.83.100 Commissioners -- Appointment -- Terms -- Vacancies -- Compensation -- Powers.
- 36.83.110 Election to retain commissioners -- Referendum petition.
- 36.83.120 Removal of commissioner.
- 36.83.130 Improvements -- Ownership.
- 36.83.140 Local service district fund.
- 36.83.900 Liberal construction.

### NOTES:

Transportation benefit districts: Chapter 36.73 RCW.

---

#### **RCW 36.83.090 Eminent domain.**

A service district may exercise the power of **eminent domain** to obtain property for its authorized purposes in the manner counties exercise the powers of **eminent domain**.

[1983 c 130 § 9.]

---

## Chapter 36.88 RCW

**COUNTY ROAD IMPROVEMENT DISTRICTS****RCW SECTIONS**

- 36.88.010 Districts authorized -- Purposes.
- 36.88.015 Additional purposes.
- 36.88.020 Formation of district -- How initiated.
- 36.88.030 Formation of district -- By resolution of intention -- Procedure.
- 36.88.035 Notice must contain statement that assessments may vary from estimates.
- 36.88.040 Formation of district -- By resolution of intention -- Election -- Rules.
- 36.88.050 Formation of district -- By petition -- Procedure.
- 36.88.060 Formation of district -- Hearing -- Resolution creating district.
- 36.88.062 Formation of district -- Committee or hearing officer may conduct hearings -- Report to legislative authority.
- 36.88.065 Formation of district -- Alternative method.
- 36.88.070 Diagram only preliminary determination.
- 36.88.072 Waivers of protest -- Recording -- Limits on enforceability.
- 36.88.074 Preformation expenditures.
- 36.88.076 Credits for other assessments.
- 36.88.078 Assessment reimbursement accounts.
- 36.88.080 Property included in district -- Method of assessment -- Assessment limited by benefit.
- 36.88.085 Exemption of farm and agricultural land from special benefit assessments.
- 36.88.090 Assessment roll -- Hearing -- Notice -- Objections -- New hearing.
- 36.88.095 Assessment role -- Committee or officer may conduct hearing -- Recommendations to legislative authority -- Appeals.
- 36.88.100 Appeal -- Reassessment.
- 36.88.110 Assessment roll -- Conclusive.
- 36.88.120 Assessment is lien on property -- Superiority.
- 36.88.130 County treasurer -- Duties.
- 36.88.140 Payment of assessment -- Delinquent assessments -- Penalties -- Lien foreclosure.
- 36.88.145 Property donations -- Credit against assessments.
- 36.88.150 Payment of assessment -- Record of.
- 36.88.160 District fund -- Purposes -- Bond redemptions.
- 36.88.170 Foreclosed property -- Held in trust for district.
- 36.88.180 Foreclosed property -- Sale or lease -- Disposition of proceeds.
- 36.88.190 Improvement bonds, warrants authorized.
- 36.88.200 Improvement bonds -- Form, contents, execution.

- 36.88.210 Improvement bonds -- Issuance -- Sale -- Deposit of proceeds.
- 36.88.220 Improvement bonds -- Guaranty fund.
- 36.88.230 Improvement bonds -- Guaranty fund in certain counties -- Operation.
- 36.88.235 Improvement bonds -- Guaranty fund assets may be transferred to county general fund -- When.
- 36.88.240 Improvement bonds -- Repayment restricted to special funds -- Remedies of bond owner -- Notice of restrictions.
- 36.88.250 Improvement bonds -- Remedies of bond owners -- Enforcement.
- 36.88.260 Assessment where bonds issued -- Payment in installments.
- 36.88.270 Assessment where bonds issued -- Payment in cash -- Notice of assessment.
- 36.88.280 Assessment where bonds issued -- Payment in cash during installment period -- Duties of county treasurer -- Use of funds.
- 36.88.290 Limitation of actions.
- 36.88.295 Refunding bonds -- Limitations.
- 36.88.300 District costs and expenses -- What to include.
- 36.88.305 District costs and expenses -- Credit or reduction of assessments.
- 36.88.310 Acquisition of property -- **Eminent domain**.
- 36.88.320 Construction or improvement -- Supervision -- Contracts -- Standards.
- 36.88.330 Warrants -- Issuance -- Priority -- Acceptance.
- 36.88.340 Participation of county road fund -- Arrangements with other public agencies, private utilities.
- 36.88.350 Maintenance -- Expense.
- 36.88.360 State, county, school, municipal corporation lands -- Assessment -- Recipients of notices, ballots.
- 36.88.370 Signatures on petitions, ballots, objections -- Determining sufficiency.
- 36.88.375 Consolidated road improvement districts -- Establishment -- Bonds.
- 36.88.380 Safeguarding open canals or ditches -- Assessments and benefits.
- 36.88.390 Safeguarding open canals or ditches -- Authority.
- 36.88.400 Safeguarding open canals or ditches -- Installation and construction -- Costs.
- 36.88.410 Underground electric and communication facilities, installation or conversion to -- Declaration of public interest and purpose.
- 36.88.420 Underground electric and communication facilities, installation or conversion to -- Definitions.
- 36.88.430 Underground electric and communication facilities, installation or conversion to -- Powers of county relating to -- Contracts -- County road improvement districts -- Special assessments.
- 36.88.440 Underground electric and communication facilities, installation or conversion to -- Contracts with electric and communication utilities -- Authorized -- Provisions.



- 36.88.450 Underground electric and communication facilities, installation or conversion to -- Notice to owners to convert service lines to underground -- Objections -- Hearing -- Time limitation for conversion.
- 36.88.460 Underground electric and communication facilities, installation or conversion to -- Utility conversion guaranty fund -- Establishment authorized -- Purpose -- Deposits -- Investments.
- 36.88.470 Underground electric and communication facilities, installation or conversion to -- Utility conversion guaranty fund -- Operation.
- 36.88.480 Underground electric and communication facilities, installation or conversion to -- Applicability of general provisions relating to county road improvement districts.
- 36.88.485 Underground electric and communication facilities, installation or conversion to -- Recording of underground utility installations.

#### NOTES:

Assessments and charges against state lands: Chapter 79.44 RCW.

Deferral of special assessments: Chapter 84.38 RCW.

Local improvements, supplemental authority: Chapter 35.51 RCW.

---

#### **RCW 36.88.310**

##### **Acquisition of property -- Eminent domain.**

All land, premises or property necessary for right-of-way or other purposes in the construction or improvement of any county road, including bridges, sidewalks, curbs and gutters and the drainage facilities therefor, under this chapter may be acquired by the county acting through its board of county commissioners, either by gift, purchase or by condemnation. In the event of any exercise of the power of **eminent domain**, the procedure shall be the same as is provided by law for the securing of right-of-way for county roads. The title to all property acquired for any construction or improvement under this chapter shall be taken in the name of the county. The county commissioners in any **eminent domain** action brought to secure any property for construction or improvement under this chapter may pay any final judgment entered in such action with county road funds and take possession of the particular property condemned. In the event of any such payment the county commissioners may require that the county road fund be reimbursed out of the particular county road improvement fund of the district for which the property was acquired.

[1963 c 4 § 36.88.310. Prior: 1951 c 192 § 31.]

---

#### **RCW 36.94.240**

##### **Local improvement districts and utility local improvement districts -- Hearing -- Improvement ordered -- Divestment of power to order, time limitation -- Assessment roll.**

Whether the improvement is initiated by petition or resolution, the county legislative authority shall conduct a public hearing at the time and place designated in the notice to the property owners. At this hearing the authority shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as are deemed necessary: PROVIDED, That the authority may not change the

boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

After said hearing the county legislative authority has jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: PROVIDED, That the jurisdiction of the authority to proceed with any improvement initiated by resolution shall be divested by protests filed with the clerk of the authority prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district. No action whatsoever may be maintained challenging the jurisdiction or authority of the county to proceed with the improvement and creating the local district or in any way challenging the validity thereof or any proceedings relating thereto unless that action is served and filed no later than thirty days after the date of passage of the resolution ordering the improvement and creating the local district.

If the county legislative authority finds that the district should be formed, it shall by resolution order the improvement, adopt detailed plans of the local district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the county such **eminent domain** proceedings and supplemental assessment or reassessment proceedings to pay all **eminent domain** awards as may be necessary to entitle the county to proceed with the work. The county legislative authority shall proceed with the work and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local district in proportion to the special benefits to be derived by the property therein from the improvement.

[1981 c 313 § 5; 1971 ex.s. c 96 § 11; 1967 c 72 § 24.]

## NOTES:

**Severability -- 1981 c 313:** See note following RCW 36.94.020.

**Construction -- Severability -- 1971 ex.s. c 96:** See notes following RCW 36.94.010.

---

## RCW 36.94.290

### **Local improvement districts and utility local improvement districts -- Appellate review.**

The decision of the board of county commissioners upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the clerk of the board of county commissioners and with the clerk of the superior court within ten days after the resolution confirming such assessment roll shall have become published, and such notice shall describe the property and set forth the objections of such appellant to such assessment. Within the ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the board of county commissioners with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such clerk of the board of county commissioners and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed

conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the county is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the clerk of the board of county commissioners that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to **eminent domain** in such county and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. Appellate review of the judgment of the superior court may be sought as in other cases. However, review must be sought within fifteen days after the date of the entry of the judgment of such superior court. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

[1988 c 202 § 41; 1971 c 81 § 98; 1967 c 72 § 29.]

#### **NOTES:**

**Rules of court:** Cf. RAP 18.22.

**Severability -- 1988 c 202:** See note following RCW 2.24.050.

---

#### **RCW 39.84.060**

##### **Public corporations -- Limitations.**

No municipality may give or lend any money or property in aid of a public corporation. The municipality that creates a public corporation shall annually review any financial statements of the public corporation and at all times shall have access to the books and records of the public corporation. No public corporation may issue revenue obligations under this chapter except upon the approval of both the municipality under the auspices of which it was created and the county, city, or town within whose planning jurisdiction the proposed industrial development facility lies. No revenue bonds may be issued pursuant to this chapter unless the board of directors of the public corporation proposing to issue revenue bonds makes a finding that in its opinion the interest paid on the bonds will be exempt from income taxation by the federal government. Revenue bonds issued by a public corporation under this chapter shall not be considered to constitute a debt of the state, of the municipality, or of any other municipal corporation, quasi municipal corporation, subdivision, or agency of this state or to pledge any or all of the faith and credit of any of these entities. The revenue bonds shall be payable solely from both the revenues derived as a result of the industrial development facilities funded by the revenue bonds, including, without limitation, amounts received under the terms of any financing document or by reason of any additional security furnished by the user of the industrial development facility in connection with the financing thereof, and money and other property received from private sources. Each revenue bond shall contain on its face statements to the effect that: (1) Neither the state, the municipality, or any other municipal corporation, quasi municipal corporation, subdivision, or agency of the state is obligated to

pay the principal or the interest thereon; (2) no tax funds or governmental revenue may be used to pay the principal or interest thereon; and (3) neither any or all of the faith and credit nor the taxing power of the state, the municipality, or any other municipal corporation, quasi municipal corporation, subdivision, or agency thereof is pledged to the payment of the principal of or the interest on the revenue bond. A public corporation may incur only those financial obligations which will be paid from revenues received pursuant to financing documents, from fees or charges paid by users or prospective users of the industrial development facilities funded by the revenue bonds, or from the proceeds of revenue bonds. A public corporation established under the terms of this chapter constitutes an authority and an instrumentality (within the meaning of those terms in the regulations of the United States treasury and the rulings of the Internal Revenue Service prescribed pursuant to section 103 of the Internal Revenue Code of 1954, as amended) and may act on behalf of the municipality under whose auspices it is created for the specific public purposes authorized by this chapter. The public corporation is not a municipal corporation within the meaning of the state Constitution and the laws of the state, or a political subdivision within the meaning of the state Constitution and the laws of the state, including without limitation, Article VIII, section 7, of the Washington state Constitution. A municipality shall not delegate to a public corporation any of the municipality's attributes of sovereignty, including, without limitation, the power to tax, the power of **eminent domain**, and the police power.

[1981 c 300 § 6.]

## RCW 39.102.020

**Definitions.** (*Expires June 30, 2039.*)

\*\*\* CHANGE IN 2007 \*\*\* (SEE 1277-S2.SL) \*\*\*

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means five million dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Base year" means the first calendar year following the creation of a revenue development area. For a local government that meets the requirements of RCW 39.102.040(2), "base year" is the calendar year after it amends its ordinance as provided in RCW 39.102.040(2).

(4) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(5) "Demonstration project" means one of the following projects:

(a) Bellingham waterfront redevelopment project;

(b) Spokane river district project at Liberty Lake; and

(c) Vancouver riverwest project.

(6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the revenue development area was created, except that if a local government reduces the rate of such tax after the revenue development area was created, "local excise taxes" means the local revenues derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(9) "Local excise tax allocation revenue" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the revenue development area over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government creates a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the revenue development area within the boundaries of the area that became the revenue development area, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with the calendar year immediately following the creation of the revenue development area and continuing with each measurement year thereafter; and

(b) For revenue development areas created in calendar year 2006 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state by July 1, 2006, that adopts the sourcing provisions of the streamlined sales and use tax agreement, "local excise tax allocation revenue" means the amount of local excise taxes received by the sponsoring local government during the measurement year from taxable activity within the revenue development area over and above an amount of local excise taxes received by the sponsoring local government during the 2007 base year adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective July 1, 2007. The amount of base year adjustment determined by the department is final.

(10) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(11) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, dedicated revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475 to pay the principal and interest on bonds authorized under RCW 39.102.150.

(12) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(13) "Revenues from local public sources" means federal and private monetary contributions, amounts of local excise tax allocation revenues, and amounts of local property tax allocation revenues dedicated by participating taxing districts and participating local governments for local infrastructure financing.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and

sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure state and local excise tax allocation revenues.

(16) "Ordinance" means any appropriate method of taking legislative action by a local government.

(17) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(19)(a) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from the placement of new construction, improvements, or both to property on the assessment rolls after the revenue development area is created, where the new construction or improvements occur entirely after the revenue development area is created.

(b) If any new construction added to the assessment rolls consists of entire buildings, "property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of the buildings in the years following their initial placement on the assessment rolls.

(c) "Property tax allocation revenue value" does not include any increase in the assessed value of improvements to property or new construction that do not consist of an entire building, occurring after their initial placement on the assessment rolls.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased due to new construction or improvements to property occurring after the revenue development area is created.

(20) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

- (iii) Sidewalks, traffic controls, and streetlights;
- (iv) Parking, terminal, and dock facilities;
- (v) Park and ride facilities of a transit authority;
- (vi) Park facilities and recreational areas, including trails; and
- (vii) Storm water and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

(22) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and (f) administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area for taxes levied in the year in which the revenue development area is created for collection in the following year, plus one hundred percent of any increase in the assessed value of real property located within a revenue development area that is placed on the assessment rolls after the revenue development area is created, less the property tax allocation revenue value.

(25) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of **eminent domain**.

(26) "Revenue development area" means the geographic area created by a sponsoring local government from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that creates a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The state excise tax allocation revenue and state property tax allocation revenue received by the state during the preceding calendar year;

(c) The amount of local excise tax allocation revenues, local property tax allocation revenues, and revenues from local public sources, that are dedicated by a sponsoring local government in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150; or

(d) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040.

(30) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(31) "State excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above the amount of state excise taxes received by the state during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government creates a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the revenue development area within the boundaries of the area that became the revenue development area, "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the creation of the revenue development area and continuing with each measurement year thereafter; and

(b) For revenue development areas created in calendar year 2006 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state by July 1, 2006, that adopts the sourcing provisions of the streamlined sales and use tax agreement, "state excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above an amount of state excise taxes received by the state during the 2007 base year adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective July 1, 2007. The amount of base year adjustment determined by the department is final.



(32) "State property tax allocation revenue" means those tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value.

[2006 c 181 § 102.]

---

#### **RCW 43.01.210**

##### **Facilitating recovery from Mt. St. Helens eruption -- Scope of state agency action.**

State agencies shall take action as follows to facilitate recovery from the devastation of the eruption of Mt. St. Helens:

(1) The department of transportation may secure any lands or interest in lands by purchase, exchange, lease, **eminent domain**, or donation for dredge sites, dredge spoils sites, flood control works, sediment retention works, or bank protection;

(2) The commissioner of public lands may by rule declare any public lands found to be damaged by the eruption of Mt. St. Helens, directly or indirectly, as surplus to the needs of the state and may dispose of such lands pursuant to Title 79 RCW to public or private entities for development, park and recreation uses, open space, or fish and wildlife habitat;

(3) All state agencies shall cooperate with local governments, the United States army corps of engineers, and other agencies of the federal government in planning for dredge site selection and dredge spoils removal, and in all other phases of recovery operations;

(4) The department of transportation shall work with the counties concerned on site selection and site disposition in cooperation with the army corps of engineers; and

(5) State agencies may assist the army corps of engineers in the dredging and dredge spoils deposit operations.

[1985 c 307 § 2; 1983 1st ex.s. c 1 § 2; 1982 c 7 § 2.]

#### **NOTES:**

**Severability -- 1983 1st ex.s. c 1:** See note following RCW 43.01.200.

**Severability -- 1982 c 7:** See note following RCW 36.01.150.

Facilitating recovery from Mt. St. Helens eruption -- Scope of local government action: RCW 36.01.150.

---

#### **RCW 43.21A.450**

##### **Control of outflow and level of Lake Osoyoos -- Lake Osoyoos International Water Control Structure authorized.**

(1) The legislature recognizes the need for the state of Washington to implement an understanding reached with the Province of British Columbia in relation to a joint venture with British Columbia for controlling the outflow and level of Lake Osoyoos, an international lake, and in connection therewith to

replace an existing lake control structure on the Okanogan river in Washington state which has been classified as deteriorated and unsafe.

(2) For the purpose of implementing subsection (1) of this section, the department of ecology may acquire, design, construct, own, operate, and maintain a project to be known as the Lake Osoyoos International Water Control Structure and may acquire all real property interests necessary thereto by purchase, grant, gift, or **eminent domain**; provided that the authority of **eminent domain** as granted to the department under this section is limited to acquiring property necessary for access to the control structure, location of abutments for the control structure, and flowage easements if necessary.

(3) The department may accept and administer grants or gifts from any source for the purpose of carrying out subsection (2) of this section.

(4) The department may exercise its powers under subsection (2) of this section directly or through contracts, except that it may not delegate its authority of **eminent domain**. The department may also enter into agreements with any public or municipal corporation with respect to operation and maintenance of the project authorized under subsection (2) of this section.

[1985 c 27 § 1; 1982 c 76 § 1.]

#### NOTES:

**Intent -- 1985 c 27; 1982 c 76:** "It is the intent of this legislature in enacting RCW 43.21A.450 that total capital costs for the said project be shared equally by Washington state and British Columbia." [1985 c 27 § 2; 1982 c 76 § 2.]

---

#### RCW 43.21A.616

##### **Steam electric generating plant -- Eminent domain.**

For the purpose of carrying out any or all of the powers herein granted the director shall have the power of **eminent domain** for the acquisition of either real or personal property used or useful in connection with the construction of facilities authorized hereunder. Actions in **eminent domain** pursuant to RCW 43.21A.610 through 43.21A.642 shall be brought in the name of the state in any court of competent jurisdiction under the procedure set out in chapter 8.04 RCW. The director may institute condemnation proceedings in the superior court of any county in which any of the property sought to be condemned is located or in which the owner thereof does business, and the court in any such action shall have jurisdiction to condemn property wherever located within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. Upon the filing of a petition for condemnation, as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceedings during the pendency thereof. The court shall further have the power to issue such orders or process as shall be necessary to place the director into possession of any property condemned.

[1988 c 127 § 13; 1965 c 8 § 43.21.280. Prior: 1957 c 275 § 6. Formerly RCW 43.21.280.]

---

#### RCW 43.52.391

##### **Powers and duties of operating agency.**

Except as otherwise provided in this section, a joint operating agency shall have all powers now or hereafter granted public utility districts under the laws of this state. It shall not acquire nor operate any electric distribution properties nor condemn any properties owned by a public utility which are operated for the generation and transmission of electric power and energy or are being developed for such purposes with due diligence under a valid license or permit, nor purchase or acquire any operating hydroelectric generating plant owned by any city or district on June 11, 1953, or which may be acquired by any city or district by condemnation on or after January 1, 1957, nor levy taxes, issue general obligation bonds, or create subdistricts. It may enter into any contracts, leases or other undertakings deemed necessary or proper and acquire by purchase or condemnation any real or personal property used or useful for its corporate purposes. Actions in **eminent domain** may be instituted in the superior court of any county in which any of the property sought to be condemned is located and the court in any such action shall have jurisdiction to condemn property wherever located within the state; otherwise such actions shall be governed by the same procedure as now or hereafter provided by law for public utility districts. An operating agency may sell steam or water not required by it for the generation of power and may construct or acquire any facilities it deems necessary for that purpose.

An operating agency may make contracts for any term relating to the purchase, sale, interchange or wheeling of power with the government of the United States or any agency thereof and with any municipal corporation or public utility, within or without the state, and may purchase or deliver power anywhere pursuant to any such contract. An operating agency may acquire any coal-bearing lands for the purpose of assuring a long-term, adequate supply of coal to supply its needs, both actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale or disposal of coal that it deems proper.

Any member of an operating agency may advance or contribute funds to an agency as may be agreed upon by the agency and the member, and the agency shall repay such advances or contributions from proceeds of revenue bonds, from operating revenues or from any other funds of the agency, together with interest not to exceed the maximum specified in RCW 43.52.395(1). The legislative body of any member may authorize and make such advances or contributions to an operating agency to assist in a plan for termination of a project or projects, whether or not such member is a participant in such project or projects. Any member who makes such advances or contributions for terminating a project or projects in which it is not a participant shall not assume any liability for any debts or obligations related to the terminated project or projects on account of such advance or contribution.

[1982 c 1 § 1; 1977 ex.s. c 184 § 8; 1965 c 8 § 43.52.391. Prior: 1957 c 295 § 5.]

#### NOTES:

**Severability -- 1982 c 1:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 1 § 3.]

Liability to other taxing districts for increased financial burdens: Chapter 54.36 RCW.

#### RCW 43.70.195

##### **Public water systems -- Receivership actions brought by secretary -- Plan for disposition.**

(1) In any action brought by the secretary of health or by a local health officer pursuant to chapter 7.60 RCW to place a public water system in receivership, the petition shall include the names of one or more suitable candidates for receiver who have consented to assume operation of the water system. The department shall maintain a list of interested and qualified individuals, municipal entities, special

purpose districts, and investor-owned water companies with experience in the provision of water service and a history of satisfactory operation of a water system. If there is no other person willing and able to be named as receiver, the court shall appoint the county in which the water system is located as receiver. The county may designate a county agency to operate the system, or it may contract with another individual or public water system to provide management for the system. If the county is appointed as receiver, the secretary of health and the county health officer shall provide regulatory oversight for the agency or other person responsible for managing the water system.

(2) In any petition for receivership under subsection (1) of this section, the department shall recommend that the court grant to the receiver full authority to act in the best interests of the customers served by the public water system. The receiver shall assess the capability, in conjunction with the department and local government, for the system to operate in compliance with health and safety standards, and shall report to the court and the petitioning agency its recommendations for the system's future operation, including the formation of a water-sewer district or other public entity, or ownership by another existing water system capable of providing service.

(3) If a petition for receivership and verifying affidavit executed by an appropriate departmental official allege an immediate and serious danger to residents constituting an emergency, the court shall set the matter for hearing within three days and may appoint a temporary receiver ex parte upon the strength of such petition and affidavit pending a full evidentiary hearing, which shall be held within fourteen days after receipt of the petition.

(4) A bond, if any is imposed upon a receiver, shall be minimal and shall reasonably relate to the level of operating revenue generated by the system. Any receiver appointed pursuant to this section shall not be held personally liable for any good faith, reasonable effort to assume possession of, and to operate, the system in compliance with the court's orders.

(5) The court shall authorize the receiver to impose reasonable assessments on a water system's customers to recover expenditures for improvements necessary for the public health and safety.

(6) No later than twelve months after appointment of a receiver, the petitioning agency, in conjunction with the county in which the system is located, and the appropriate state and local health agencies, shall develop and present to the court a plan for the disposition of the system. The report shall include the recommendations of the receiver made pursuant to subsection (2) of this section. The report shall include all reasonable and feasible alternatives. After receiving the report, the court shall provide notice to interested parties and conduct such hearings as are necessary. The court shall then order the parties to implement one of the alternatives, or any combination thereof, for the disposition of the system. Such order shall include a date, or proposed date, for the termination of the receivership. Nothing in this section authorizes a court to require a city, town, public utility district, water-sewer district, or irrigation district to accept a system that has been in receivership unless the city, town, public utility district, water-sewer district, or irrigation district agrees to the terms and conditions outlined in the plan adopted by the court.

(7) The court shall not terminate the receivership, and order the return of the system to the owners, unless the department of health approves of such an action. The court may impose reasonable conditions upon the return of the system to the owner, including the posting of a bond or other security, routine performance and financial audits, employment of qualified operators and other staff or contracted services, compliance with financial viability requirements, or other measures sufficient to ensure the ongoing proper operation of the system.

(8) If, as part of the ultimate disposition of the system, an **eminent domain** action is commenced by

a public entity to acquire the system, the court shall oversee any appraisal of the system conducted under Title 7 RCW to assure that the appraised value properly reflects any reduced value because of the necessity to make improvements to the system. The court shall have the authority to approve the appraisal, and to modify it based on any information provided at an evidentiary hearing. The court's determination of the proper value of the system, based on the appraisal, shall be final, and only appealable if not supported by substantial evidence. If the appraised value is appealed, the court may order that the system's ownership be transferred upon payment of the approved appraised value.

[1999 c 153 § 57; 1994 c 292 § 3; 1990 c 133 § 4.]

## NOTES:

**Part headings not law -- 1999 c 153:** See note following RCW 57.04.050.

**Findings -- Intent -- 1994 c 292:** See note following RCW 57.04.050.

**Findings -- Severability -- 1990 c 133:** See notes following RCW 36.94.140.

---

## Chapter 43.82 RCW STATE AGENCY HOUSING

### RCW SECTIONS

43.82.010 Acquisition, lease, and disposal of real estate for state agencies -- Long-range planning -- Use of lease as collateral or security--Colocation and consolidation -- Studies -- Delegation of functions -- Exemptions.

43.82.020 Approval by capitol committee when real estate located in Thurston county.

43.82.030 Acquisition of property and rights declared public use -- **Eminent domain**.

43.82.110 Lease of space -- Surplus space.

43.82.120 General administration services account -- Rental income.

43.82.125 Authorized uses for general administration services account.

43.82.130 Powers and duties of director.

43.82.140 Insurance on buildings.

43.82.150 Inventory of state-owned or leased facilities -- Report.

43.82.160 Plant operation and support program--Information and technical assistance--Voluntary charges and fees.

## NOTES:

Agricultural commodity commissions exempt: RCW 15.04.200.

---

### RCW 43.82.030

**Acquisition of property and rights declared public use -- Eminent domain.**

The acquisition of any real property or any rights or interests therein for the purpose of this chapter is

hereby declared to be for a public use. In furtherance of the purposes of this chapter, the right of **eminent domain** may be exercised as provided for in chapter 8.04 RCW.

[1965 c 8 § 43.82.030. Prior: 1959 c 255 § 3.]

---

## Chapter 43.180 RCW HOUSING FINANCE COMMISSION

### RCW SECTIONS

- 43.180.010 Declaration of public policies -- Purpose.
- 43.180.020 Definitions.
- 43.180.030 Bonds not debt of state.
- 43.180.040 Commission created.
- 43.180.050 Housing financing powers -- Annual audit.
- 43.180.060 No power of **eminent domain** or taxation.
- 43.180.070 Housing finance plan.
- 43.180.080 General powers.
- 43.180.090 Selection of bond counsel -- Written policies to be adopted.
- 43.180.100 Selection of underwriters -- Written policies to be adopted.
- 43.180.110 Review of initial policies adopted under RCW 43.180.090 and 43.180.100 -- Adoption -- Change.
- 43.180.120 Rules for fair allocation of bond proceeds for nonrental single family housing.
- 43.180.130 Protection of bondholders -- Mortgage insurance.
- 43.180.140 Rules for energy efficiency.
- 43.180.150 Bond issues -- Terms -- Issuance -- Purchase, etc.
- 43.180.160 Debt limitation.
- 43.180.170 Bond issues -- Disposition of proceeds -- Special fund.
- 43.180.180 Bond issues -- Disposition of revenues -- Special trust fund.
- 43.180.190 Legal investments.
- 43.180.200 Internal revenue code.
- 43.180.220 Housing finance program -- Mortgage financing -- Investments -- Flexible loan underwriting guidelines.
- 43.180.230 Housing finance program -- Program elements.
- 43.180.240 Housing finance program -- Report to legislature annually -- Implementation.
- 43.180.250 Veteran homeownership downpayment assistance program -- Rules.
- 43.180.290 Beginning farmer financing program.

### NONPROFIT CORPORATION FACILITIES

43.180.300 Definitions.43.180.310 Commission powers.43.180.320 Revenue bonds.43.180.330 Revenue refunding bonds.43.180.340 Trust agreements.43.180.350 Lessees or assignees.43.180.360 Default.43.180.900 Conflict with federal requirements.43.180.901 Liberal construction.43.180.902 Captions not part of law.43.180.903 Severability -- 1983 c 161.43.180.904 Effective dates -- 1983 c 161.**RCW 43.180.060****No power of eminent domain or taxation.**

The commission does not have the power of **eminent domain** and the commission does not have the power to levy any taxes of any kind.

[1983 c 161 § 6.]

**RCW 43.340.030****Tobacco settlement authority -- Powers -- Rule-making authority.**

(1) The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers. In addition to other powers specified in this chapter, the authority may:

(a) Sue and be sued in its own name;

(b) Make and execute agreements, contracts, and other instruments, with any public or private person, in accordance with this chapter;

(c) Employ, contract with, or engage independent counsel, bond counsel, other attorneys, financial advisors, investment bankers, auditors, other technical or professional assistants, and such other personnel as are necessary and recommended by the state housing finance commission staff;

(d) Invest or deposit moneys of the authority in any manner determined by the authority and enter into hedge agreements, swap agreements, or other financial products, including payment agreements defined under RCW 39.96.020(5). The authority is not a governmental entity for purposes of chapter 39.96 RCW;

(e) Establish such special funds, and controls on deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(f) Procure insurance, other credit enhancements, and other financing arrangements for its bonds to

fulfill its purposes under this chapter, including but not limited to municipal bond insurance and letters of credit;

- (g) Accept appropriations, gifts, grants, loans, or other aid from public or private entities;
- (h) Adopt rules, consistent with this chapter, as the board determines necessary;
- (i) Delegate any of its powers and duties if consistent with the purposes of this chapter; and
- (j) Exercise any other power reasonably required to implement the purposes of this chapter.

(2) The authority does not have the power of **eminent domain** and does not have the power to levy taxes of any kind.

[2002 c 365 § 6.]

### **RCW 47.12.150**

#### **Acquisition, exchange of property to relocate displaced facility.**

Whenever the department shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of **eminent domain**, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the department is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The secretary of transportation shall execute each conveyance, which shall be duly acknowledged, necessary to accomplish such exchange.

[1977 ex.s. c 151 § 53; 1975 1st ex.s. c 96 § 5; 1961 c 13 § 47.12.150. Prior: 1953 c 55 § 1.]

### **RCW 47.20.725**

#### **Quinault Tribal Highway -- Acquisition of remaining right of way.**

The department is authorized to acquire the remaining right of way for the Tribal Highway by purchase or by condemnation under state or federal **eminent domain** statutes. The secretary of transportation pursuant to the agreement is authorized to convey by deed to the governing authority for the Indian peoples of the Quinault Indian Reservation the right of way to the entire highway when fully acquired in return for a conveyance by the governing authority for the Indian peoples of the Quinault Indian Reservation to the state of Washington of a perpetual easement for public travel on the through lanes and shoulders of the highway when constructed. The agreement may also authorize the governing authority for the Indian peoples of the Quinault Indian Reservation to convey to the United States an easement to construct, maintain, and repair the highway improvements if such an easement is required by regulations of the bureau of Indian affairs.

[1985 c 228 § 4.]

## **Chapter 47.29 RCW**



## TRANSPORTATION INNOVATIVE PARTNERSHIPS

### RCW SECTIONS

- 47.29.010 Finding--Intent.
  - 47.29.020 Definitions.
  - 47.29.030 Transportation commission powers and duties.
  - 47.29.040 Purpose.
  - 47.29.050 Eligible projects.
  - 47.29.060 Eligible financing.
  - 47.29.070 Use of federal funds and similar revenues.
  - 47.29.080 Other sources of funds or property.
  - 47.29.090 Project review, evaluation, and selection.
  - 47.29.100 Administrative fee.
  - 47.29.110 Funds for proposal evaluation and negotiation.
  - 47.29.120 Expert consultation.
  - 47.29.130 Contracted studies.
  - 47.29.140 Partnership agreements.
  - 47.29.150 Public involvement and participation.
  - 47.29.160 Approval and execution.
  - 47.29.170 Unsolicited proposals.
  - 47.29.180 Advisory committees.
  - 47.29.190 Confidentiality.
  - 47.29.200 Prevailing wages.
  - 47.29.210 Government agreements.
  - 47.29.220 **Eminent domain.**
  - 47.29.230 Transportation innovative partnership account.
  - 47.29.240 Use of account.
  - 47.29.250 Issuing bonds and other obligations.
  - 47.29.260 Study and report.
  - 47.29.270 Federal laws.
  - 47.29.280 Expert review panel on proposed project agreements -- Creation -- Authority.
  - 47.29.290 Expert review panel on proposed project agreements -- Execution of agreements.
  - 47.29.900 Captions not law.
-

**RCW 47.29.220**  
**Eminent domain.**

The state may exercise the power of **eminent domain** to acquire property, rights of way, or other rights in property for projects that are necessary to implement an eligible project developed under this chapter, regardless of whether the property will be owned in fee simple by the state.

[2005 c 317 § 22.]

---

**RCW 47.41.040**  
**Screening or removal of junkyard.**

Before July 1, 1971, the department shall determine whether or not the topography of the land adjoining the highway will permit adequate screening of any junkyard lawfully in existence located outside of a zoned industrial area or an unzoned industrial area as defined under RCW 47.41.030 on August 9, 1971, that is within one thousand feet of the nearest edge of the right of way and visible from the main traveled way of any highway on the interstate and primary system and whether screening of the junkyard would be economically feasible. Within thirty days thereafter the department shall notify by certified mail the record owner of the land upon which the junkyard is located, or the operator thereof, of its determination.

If it is economically feasible to screen the junkyard, the department shall screen the junkyard so that it will not be visible from the main-traveled way of the highway. The department is authorized to acquire by gift, purchase, exchange, or condemnation such lands or interest in lands as may be required for these purposes.

If it is not economically feasible to screen the junkyard, the department shall acquire by purchase, gift, or condemnation an interest in the real property used for junkyard purposes that is visible from the main traveled way of the highway, restricting any owner of the remaining interest to use of the real estate for purposes other than a junkyard. In addition to compensation for the real property interest, the operator of a junkyard shall receive the actual reasonable expenses in moving his business personal property to a location within the same general area where a junkyard may be lawfully established, operated, and maintained. This section shall be interpreted as being in addition to all other rights and remedies of a junkyard owner or operator and shall not be interpreted as a limitation on or alteration of the law of compensation in **eminent domain**.

[1984 c 7 § 218; 1971 ex.s. c 101 § 4.]

**NOTES:**

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

---

**RCW 47.46.040**  
**Demonstration projects -- Terms of agreements -- Public participation.**

(1) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

(2) Agreements may provide for private ownership of the projects during the construction period.

After completion and final acceptance of each project or discrete segment thereof, the agreement may provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state may lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(3) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this section. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects, involving state highway routes, developed under agreements shall be entered into with the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(4) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(5) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of **eminent domain**, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(6) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(7) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not

unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(8) Agreements entered into under this section shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(9)(a) In carrying out the public involvement process required in subsection (8) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates public support among: Users of the project, residents of communities in the vicinity of the project, and residents of communities impacted by the project.

(b) The private entity shall conduct a comprehensive public involvement process that provides, periodically throughout the development and implementation of the project, users and residents of communities in the affected project area an opportunity to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(c) If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area.

(d) In seeking public participation, the private entity shall establish a local involvement committee or committees comprised of residents of the affected project area, individuals who represent cities and counties in the affected project area, organizations formed to support or oppose the project, if such organizations exist, and users of the project. The private entity shall, at a minimum, establish a committee as required under the specifications of RCW 47.46.030(6)(b) (ii) and (iii) and appointments to such committee shall be made no later than thirty days after the project area is defined.

(e) Local involvement committees shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(f) The department and the private entity shall provide the local involvement committees with progress reports on the status of the public involvement process including the results of an advisory vote, if any occurs.

(10) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

[2005 c 319 § 133; 2002 c 114 § 16; 2001 c 64 § 14; 1995 2nd sp.s. c 19 § 3; 1993 c 370 § 4.]

#### NOTES:

**Findings--Intent--Part headings--Effective dates -- 2005 c 319:** See notes following RCW 43.17.020.

**Finding -- Intent -- 2002 c 114:** See RCW 47.46.011.

**Captions not law -- 2002 c 114:** See note following RCW 47.46.011.

**Effective date -- 1995 2nd sp.s. c 19:** See note following RCW 47.46.010.

#### RCW 47.56.110

**Toll bridges -- Resolution of necessity in acquiring right of way -- Effect of.**

Before the department proceeds with any action to secure a right of way or with construction of any toll bridge under the provisions of this chapter, the commission shall first pass a resolution that public interest and necessity require the acquisition of right of way for and the construction of the toll bridge. The resolution is conclusive evidence (1) of the public necessity of such construction; (2) that the property is necessary therefor; and (3) that the proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the department to condemn any real estate to be used in connection with any such bridge, the attorney general of the state shall represent the department. In **eminent domain** proceedings to acquire property for any of the purposes of this chapter, any toll bridge, real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public, or municipal corporation, county, city, town, district, or any political subdivision of the state, may be condemned and taken, and the acquisition and use as provided in this chapter for the same public use or purpose to which the property has been so appropriated or dedicated, or for any other public use or purpose, is a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which the property has already been appropriated or dedicated. It is not necessary in any **eminent domain** proceedings under this chapter to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing the property sought to be taken and directing such proceedings.

[1984 c 7 § 255; 1961 c 13 § 47.56.110. Prior: 1937 c 173 § 11; RRS § 6524-11.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

### Chapter 47.58 RCW EXISTING AND ADDITIONAL BRIDGES

## RCW SECTIONS

- 47.58.010 Improvement of existing bridge and construction of new bridge as single project -- Agreement -- Tolls.
- 47.58.020 Examinations and surveys -- Preliminary expenses -- Financing.
- 47.58.030 Construction, operation of bridges -- Collection of tolls -- Schedule of charges.
- 47.58.040 Revenue bonds -- Form -- Sale -- Interim bonds -- Deposit of proceeds.
- 47.58.050 Revenue bonds -- Expenses includable -- Conditions -- Remedies of bondholders.
- 47.58.060 Bond resolution -- Disposition of income and revenues.
- 47.58.070 Bonds legal investment for state moneys.
- 47.58.080 **Eminent domain.**
- 47.58.090 Study of projects -- Specific authorization of construction and finance.
- 47.58.900 Chapter provides additional method.

### NOTES:

Bridges over navigable waters: RCW 79.110.110 through 79.110.140.

---

#### **RCW 47.58.080** **Eminent domain.**

The department is hereby authorized and empowered to acquire in the name of the state by the exercise of the power of **eminent domain** any lands, property, rights, rights of way, franchises, easements, and other property of any person, firm, corporation, political subdivision, or other owner, deemed necessary or convenient for the construction, reconstruction, improvement, and operation of any project initiated and carried on by the department under this chapter. The proceedings shall be in accordance with and subject to the provisions of any and all laws applicable to the exercise of the power of **eminent domain** by the state.

[1984 c 7 § 294; 1961 c 13 § 47.58.080. Prior: 1955 c 208 § 8.]

### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

---

## **Chapter 47.60 RCW** **PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM**

## RCW SECTIONS

- 47.60.010 Ferry system, toll bridges, and facilities authorized -- Power to contract, sell and lease back.
- 47.60.013 Emergency powers of governor to insure continued operation of ferry and toll bridge system -- Cost reimbursement.
- 47.60.015 "Washington State Ferries" -- Name authorized.

- 47.60.017 State ferry system a public mass transportation system.
- 47.60.020 **Eminent domain** -- Condemnation proceedings.
- 47.60.030 Existing contracts -- Prior negotiations and bids validated.
- 47.60.040 Survey by department.
- 47.60.050 Improvement of facilities -- Financing.
- 47.60.060 Revenue bonds authorized -- Issuance -- Conditions -- Negotiability -- Interim bonds.
- 47.60.080 Determining amount of bonds to be issued.
- 47.60.090 Sale of bonds -- Deposit, disbursement of proceeds.
- 47.60.100 Bonds are legal investment for state moneys.
- 47.60.110 Bondholders may compel performance.
- 47.60.113 Refunding bonds -- Authorization -- Amount -- Interest -- Conditions.
- 47.60.114 Refunding bonds -- Payable from revenues.
- 47.60.115 Refunding bonds -- Disposition -- Laws applicable.
- 47.60.120 Other crossings -- Infringement of existing franchises -- Waivers (*as amended by 2003 c 83*).
- 47.60.120 Other crossings -- Infringement of existing franchises -- Waivers (*as amended by 2003 c 373*).
- 47.60.122 Ferries, terminal facilities -- Interim revenue warrants authorized.
- 47.60.124 Revenue refunding bonds to redeem interim warrants.
- 47.60.126 Interim warrants and refunding bonds -- Laws applicable.
- 47.60.130 Unit or combined operation -- Continuous project -- Rental, charter, lease of system property -- Sale of unneeded property.
- 47.60.135 Charter of state ferries--Hazardous materials.
- 47.60.140 System as self-liquidating undertaking -- Powers of department -- Concessions.
- 47.60.145 Historic ferries -- Acquisition by qualified persons or organizations.
- 47.60.150 Fixing of charges -- Deposit of revenues.
- 47.60.170 Ferries revolving fund -- Deposit of excess funds.
- 47.60.200 Consent to liability not general liability of state.
- 47.60.210 Seamen may sue for injuries -- Venue.
- 47.60.220 Department as common carrier -- Rights and liabilities.
- 47.60.230 Liability for damages as to persons or property.
- 47.60.240 Liability to persons other than shippers or passengers -- Limitation.
- 47.60.250 Claim for damages -- Filing -- Contents -- Time limitations.
- 47.60.260 Payment of claims.
- 47.60.270 Venue of actions -- Enforcement of judgment.
- 47.60.275 Local law enforcement officers on ferries and terminals.

- 47.60.277 "No Smoking" areas on state ferries -- Establishment directed.
- 47.60.280 Ferry service -- Lummi Island to Orcas Island -- Limitation on operation.
- 47.60.282 Ferry service between Port Townsend and Keystone -- Operation authorized, when.
- 47.60.283 Ferry service between Port Townsend and Keystone -- Purpose.
- 47.60.290 State ferries -- Review of tariffs and charges.
- 47.60.300 State ferries -- Scope of review -- Periodic reviews required.
- 47.60.310 State ferries -- Local expressions -- Ferry advisory committees.
- 47.60.326 Schedule of charges for state ferries -- Review by department, factors considered -- Rule making by commission.
- 47.60.330 Public participation.
- 47.60.400 Refunding bonds authorized, 1961 Act.
- 47.60.420 Additional revenue bonds, refunding bonds, authorized, 1961 Act -- Prior charge against Puget Sound capital construction account if ferry system revenues insufficient.
- 47.60.430 Additional revenue bonds, refunding bonds, authorized, 1961 Act -- Agreement to continue imposition of certain taxes.
- 47.60.440 Additional revenue bonds, refunding bonds, authorized, 1961 Act -- Ferry system a revenue-producing undertaking -- Debt service -- Tolls on ferry system and Hood Canal bridge.
- 47.60.500 Acquisition of additional ferries -- Legislative finding -- Department authority.
- 47.60.505 Puget Sound capital construction account -- Created -- Use.
- 47.60.530 Puget Sound ferry operations account -- Created -- Use.
- 47.60.550 Parking or holding area for ferry patrons in conjunction with municipal off-street parking facilities.
- 47.60.560 General obligation bonds -- Ferries -- Authorized -- Purposes -- Passenger-only vessels -- Issuance, sale, and retirement.
- 47.60.570 Disposition of proceeds from sale of bonds.
- 47.60.580 Bonds -- Terms -- Principal and interest payable from proceeds of state excise taxes on motor vehicle and special fuels.
- 47.60.590 Repayment of bonds -- Fund sources.
- 47.60.600 Bonds -- Powers and duties of state finance committee.
- 47.60.610 Excess repayment funds -- Disposition.
- 47.60.620 Reimbursements and transfers of funds.
- 47.60.630 Bonds legal investment for public funds.
- 47.60.640 Bonds -- Equal charge against revenues from motor vehicle and special fuel excise taxes.
- 47.60.645 Passenger ferry account.
- 47.60.649 Passenger-only ferry service -- Finding.
- 47.60.652 Passenger-only ferry service -- Vessel and terminal acquisition, procurement, and construction.



- 47.60.654 Passenger-only ferry service -- Contingency.
- 47.60.656 Passenger-only ferry service -- Conveyance of vessels authorized.
- 47.60.658 Passenger-only ferry service between Vashon and Seattle.
- 47.60.662 Ferry system collaboration with passenger-only service providers.
- 47.60.680 Prequalification of contractors required.
- 47.60.690 Qualifications of contractor -- Rules to assure.
- 47.60.700 Application for prequalification -- Form.
- 47.60.710 Department authority to obtain information.
- 47.60.720 Additional investigation -- Terms of prequalification -- Notice of nonqualification.
- 47.60.730 Renewal of prequalification -- Nonrenewal or revocation, notice.
- 47.60.740 Rejection of bid despite prequalification -- Unqualified bidder.
- 47.60.750 Appeal of refusal, modification, or revocation of prequalification.
- 47.60.760 Financial information regarding qualifying not public.
- 47.60.770 Jumbo ferry construction -- Notice.
- 47.60.772 Jumbo ferry construction -- Bidding documents.
- 47.60.774 Jumbo ferry construction -- Procedure on conclusion of evaluation.
- 47.60.776 Jumbo ferry construction -- Contract.
- 47.60.778 Jumbo ferry construction -- Bid deposits -- Low bidder claiming error.
- 47.60.780 Jumbo ferry construction--Propulsion system acquisition.
- 47.60.800 General obligation bonds -- 1992 issue -- Purpose -- Issuance and sale.
- 47.60.802 Bonds -- 1992 issue -- Supervision of sale by state finance committee -- Option of short-term obligations.
- 47.60.804 Bonds -- 1992 issue -- Use of proceeds.
- 47.60.806 Bonds -- 1992 issue -- Payment of principal and interest from pledged excise taxes.
- 47.60.808 Bonds -- 1992 issue -- Payment from ferry bond retirement fund.
- 47.60.810 Design-build ferries -- Authorized -- Phases defined.
- 47.60.812 Design-build ferries -- Notice of request for proposals.
- 47.60.814 Design-build ferries -- Issuance of request for proposals.
- 47.60.816 Design-build ferries -- Phase one.
- 47.60.818 Design-build ferries -- Phase two.
- 47.60.820 Design-build ferries -- Phase three.
- 47.60.822 Design-build ferries -- Notice to proposers not selected -- Appeal.

## NOTES:

Bridges across navigable waters: RCW 79.110.110 through 79.110.140.

Credit permits for vehicular passage: RCW 47.56.247, 47.56.248.

Sale, lease of unneeded toll facility, ferry system property -- Franchises for utility, railway purposes: RCW 47.56.253 through 47.56.257.

Traffic violations and unlawful acts on toll facility or ferry: RCW 46.61.690.

## **RCW 47.60.020**

### **Eminent domain -- Condemnation proceedings.**

For the purpose of carrying out any or all of the powers granted in this chapter, the department has the power of **eminent domain** for the acquisition of either real or personal property, used or useful for the Puget Sound ferry system. Condemnation pursuant to this chapter shall be the procedure set out in chapter 8.04 RCW. The department may institute condemnation proceedings in the superior court of any county or other court of competent jurisdiction in which any of the property sought to be condemned is located or in which the owner of any thereof does business, and the court in any such action has jurisdiction to condemn property wherever located within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in the proceedings. It is the intention of this section to permit the consolidation in one action of all condemnation proceedings necessary to acquire a ferry system and every type of property incident thereto, irrespective of its location within the state or diversity of ownership. Upon the filing of a petition for condemnation as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceeding during the pendency thereof. The court further has the power to issue such orders or process as are necessary to place the department into possession of any property condemned.

[1984 c 7 § 298; 1961 c 13 § 47.60.020. Prior: 1949 c 179 § 2; Rem. Supp. 1949 § 6584-31.]

### **NOTES:**

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

## **RCW 47.72.050**

### **Powers and duties.**

In its capacity as successor to the canal commission, the department of transportation may:

- (1) Adopt rules and regulations necessary to carry out the purposes of this chapter.
- (2) Make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the state of Washington.
- (3) Construct, maintain, and/or operate any navigation canal, or navigation canal systems deemed feasible by the department of transportation.
- (4) Acquire by gift, purchase, or condemnation from any person, municipal, public, or private corporation, or the state of Washington, or lease from the United States of America, any lands, rights of way, easements, or property rights in, over, or across lands or waters necessary for the construction, operation, or maintenance of any navigation canal, or navigation canal system. The acquisition of such rights is for a public use. The exercise of the right of **eminent domain** shall be in the manner provided

by chapter 8.04 RCW, and all actions initiated thereunder shall be brought in the name of the department of transportation.

(5) Hold public hearings. Prior to a determination of feasibility for any proposed project, the department shall hold a public hearing so that members of the public may present their views thereon.

(6) Accept and expend moneys appropriated by the legislature or received from any public or private source, including the federal government, in carrying out the purposes of this chapter.

(7) Negotiate and cooperate with the United States of America for the purpose of inducing the United States to undertake the construction, operation, or maintenance of any navigation canal, or navigation canal system provided for in this chapter.

(8) As a local sponsor cooperate, contract, and otherwise fully participate on behalf of the state of Washington with the United States of America, in any study relating to a determination of feasibility of a navigation canal or navigation canal system, and in any project relating to the construction, operation, or maintenance of a navigation canal, or navigation canal system to be undertaken by the United States of America.

The authority granted herein includes, but is not limited to, contributing such moneys to the United States of America as may be required and appropriated for that purpose by the legislature and furnishing without cost to the United States of America all lands, easements, and rights of way, performing all necessary alterations to utilities arising from any project, and holding the United States of America free from any claims for damages arising out of the construction of any project.

[1977 ex.s. c 151 § 75; 1965 ex.s. c 123 § 5. Formerly RCW 91.12.050.]

---

## Chapter 47.76 RCW RAIL FREIGHT SERVICE

### RCW SECTIONS

47.76.200 Legislative findings.

47.76.210 State freight rail program.

47.76.220 State rail plan -- Contents.

47.76.230 Freight rail planning.

47.76.240 Rail preservation program.

47.76.250 Essential rail assistance account -- Purposes.

47.76.270 Essential rail banking account merged into essential rail assistance account.

47.76.280 Sale or lease for use as rail service -- Time limit.

47.76.290 Sale or lease for other use -- Authorized buyers, notice, terms, deed, deposit of moneys.

47.76.300 Sale for other use -- Governmental entity.

47.76.310 Rent or lease of lands.

47.76.320 Sale at public auction.

- 47.76.330 **Eminent domain** exemptions.
- 47.76.350 Monitoring federal rail policies.
- 47.76.400 Produce railcar pool -- Findings -- Intent.
- 47.76.410 Produce railcar pool -- Definition.
- 47.76.420 Produce railcar pool -- Departmental authority.
- 47.76.430 Produce railcar pool -- Funding.
- 47.76.440 Produce railcar pool -- Management.
- 47.76.450 Produce railcar pool account.
- 47.76.900 Captions not law -- 2003 c 191.

**RCW 47.76.330**  
**Eminent domain exemptions.**

Transfers of ownership of property acquired under this chapter are exempt from chapters 8.25 and 8.26 RCW.

[1993 c 224 § 12; 1991 sp.s. c 15 § 66; 1985 c 432 § 8. Formerly RCW 47.76.090.]

**NOTES:**

**Construction -- Severability -- 1991 sp.s. c 15:** See note following RCW 46.68.110.

**Chapter 52.12 RCW**  
**POWERS -- BURNING PERMITS**

**RCW SECTIONS**

- 52.12.011 Status.
- 52.12.021 General powers.
- 52.12.031 Specific powers -- Acquisition or lease of property or equipment -- Contracts -- Association of districts -- Group life insurance -- Building inspections -- Fire investigations.
- 52.12.036 Community revitalization financing -- Public improvements.
- 52.12.041 **Eminent domain.**
- 52.12.051 Condemnation proceedings.
- 52.12.061 Contracts, promissory notes, deeds of trust, and mortgages for purchase of property -- Limit on indebtedness -- Election, when.
- 52.12.071 Liability insurance for officials and employees.
- 52.12.101 Burning permits authorized -- Resolution.
- 52.12.102 Burning permits -- Resolution to be published and posted.
- 52.12.103 Burning permits -- Issuance -- Contents.

- 52.12.104 Burning permits -- Duties of permittee.
- 52.12.105 Burning permits -- Penalty.
- 52.12.106 Burning permits -- Penalty.
- 52.12.108 Burning permits -- Liability for fire suppression costs.
- 52.12.111 Use of equipment and personnel beyond district boundaries -- Governmental function.
- 52.12.121 Use of equipment and personnel outside district -- Duty of fire fighter deemed duty for district -- Benefits not impaired.
- 52.12.125 Reimbursement for fire suppression costs on state lands -- Limitations.
- 52.12.131 Emergency medical services -- Establishment and collection of charges.
- 52.12.135 Interlocal agreements for ambulance services.
- 52.12.140 Hazardous materials response teams.
- 52.12.150 Setting fires for fire fighter instruction -- When burning permit not required -- Notice, inspection required.

#### NOTES:

Association of fire commissioners to furnish information to legislature and governor: RCW 44.04.170.

---

#### **RCW 52.12.021** **General powers.**

Fire protection districts have full authority to carry out their purposes and to that end may acquire, purchase, hold, lease, manage, occupy, and sell real and personal property, or any interest therein, to enter into and to perform any and all necessary contracts, to appoint and employ the necessary officers, agents, and employees, to sue and be sued, to exercise the right of **eminent domain**, to levy and enforce the collection of assessments and special taxes in the manner and subject to the limitations provided in this title against the lands within the district for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this title.

[1984 c 230 § 19; 1939 c 34 § 16; RRS § 5654-116. Formerly RCW 52.08.020.]

---

#### **RCW 52.12.041** **Eminent domain.**

The taking and damaging of property or property rights by a fire protection district to carry out the purposes of its organization are declared to be for a public use. A district organized under this title may exercise the power of **eminent domain** to acquire property or property rights either inside or outside the district, for the use of the district. A district exercising the power of **eminent domain** shall proceed in the name of the district in the manner provided by law for the appropriation of real property or of real property rights by private corporations.

[1984 c 230 § 20; 1939 c 34 § 18; RRS § 5654-118. Formerly RCW 52.08.040.]

#### NOTES:

**Eminent domain:** State Constitution Art. 1 § 16 (Amendment 9); chapter 8.20 RCW.

---

**Chapter 53.08 RCW  
POWERS**

**RCW SECTIONS**

- 53.08.005 Definitions.
- 53.08.010 Acquisition of property -- Levy of assessments.
- 53.08.015 Exemption of farm and agricultural land from special benefit assessments.
- 53.08.020 Acquisition and operation of facilities.
- 53.08.030 Operation of foreign trade zones.
- 53.08.040 Improvement of lands for industrial and commercial purposes -- Providing sewer and water utilities -- Providing pollution control facilities.
- 53.08.041 Pollution control facilities or other industrial development actions -- Validation -- Implementation of Article 8, section 8 of the Constitution.
- 53.08.043 Powers relative to systems of sewerage.
- 53.08.045 Facilities constructed under authority of chapter subject to taxation of leasehold interest.
- 53.08.047 Chapter not to be construed as restricting or limiting powers of district under other laws.
- 53.08.049 Community revitalization financing--Public improvements.
- 53.08.050 Local improvement districts -- Assessments -- Bonds.
- 53.08.055 Local improvement districts -- Notice must contain statement that assessments may vary from estimates.
- 53.08.060 Improvement of waters and waterways.
- 53.08.070 Rates and charges -- Government contracts.
- 53.08.080 Lease of property -- Authorized -- Duration.
- 53.08.085 Lease of property -- Security for rent.
- 53.08.090 Sale of property.
- 53.08.091 Sale of property -- Contract sales -- Terms and conditions.
- 53.08.092 Sale of property -- Taxes and assessments against property sold by contract.
- 53.08.110 Gifts -- Improvement.
- 53.08.120 Contracts for labor and material -- Small works roster.
- 53.08.130 Notice -- Award of contract -- Low bidder claiming error.
- 53.08.135 Construction projects over forty thousand dollars -- Contracting out.
- 53.08.140 Leases or contracts without bond.
- 53.08.150 Notices when no newspaper in county.
- 53.08.160 Studies, investigations, surveys -- Promotion of facilities.
- 53.08.170 Employment -- Wages -- Benefits -- Agents -- Insurance for port district commissioners.

- 53.08.171 Employment relations -- Collective bargaining and arbitration.
- 53.08.175 Commissioners, officers, and employees -- Reimbursement of expenses.
- 53.08.176 Commissioners, officers, and employees -- Regulation of expenses.
- 53.08.180 Federal old age and survivors' insurance for employees.
- 53.08.190 Federal old age and survivors' insurance for employees -- Plan for extension of benefits.
- 53.08.200 Federal old age and survivors' insurance for employees -- Contributions.
- 53.08.205 Liability insurance for officials and employees.
- 53.08.207 Liability insurance for officers and employees authorized.
- 53.08.208 Actions against officer, employee, or agent -- Defense and costs provided by port district -- Exception.
- 53.08.210 Quorum.
- 53.08.220 Regulations authorized -- Adoption as part of ordinance or resolution of city or county, procedure -- Enforcement -- Penalty for violation.
- 53.08.230 Making motor vehicle and other police regulations applicable to district property -- Filing plat with county auditor -- Duty of law enforcement officers.
- 53.08.240 Joint exercise of powers and joint acquisition of property -- Contracts with other governmental entities.
- 53.08.245 Economic development programs authorized.
- 53.08.250 Participation in world fairs or expositions authorized.
- 53.08.255 Tourism promotion authorized.
- 53.08.260 Park and recreation facilities.
- 53.08.270 Park and recreation facilities -- Approval of other agencies.
- 53.08.280 Police officers -- Appointment authorized -- Jurisdiction.
- 53.08.290 Intermodal movement of interstate and foreign cargo -- Restrictions.
- 53.08.295 Passenger carrying watercraft.
- 53.08.300 Rewards for arrest and conviction of persons committing criminal offenses against port district authorized.
- 53.08.310 Moorage facilities -- Definitions.
- 53.08.320 Moorage facilities -- Rules authorized -- Port charges, delinquency -- Abandoned vessels, public sale.
- 53.08.330 Streets, roads, and highways -- Construction, upgrading, improvement, and repair authorized.
- 53.08.340 Streets, roads, and highways -- Expenditure of funds.
- 53.08.360 Annexation of port district property -- Transfer of employees engaged in fire fighting.
- 53.08.370 Telecommunications facilities -- Construct, purchase, acquire, etc. -- Purposes -- Limitations -- **Eminent domain**.
- 53.08.380 Wholesale telecommunications services -- Petition for review of rates, terms, conditions.

53.08.390 Grays Harbor pilotage district -- Conditions on pilotage service.

53.08.400 District may exercise powers of community renewal agency.

53.08.410 Abandoned or derelict vessels.

53.08.420 Cooperative watershed management.

53.08.430 Provision of consulting services -- Limitations.

## NOTES:

Acquisition of vacated waterways: RCW 79.120.060.

Actions by and against public corporations: RCW 4.08.110 and 4.08.120.

Airport zoning: Chapter 14.12 RCW.

Deferral of special assessments: Chapter 84.38 RCW.

Emergency public works: Chapter 39.28 RCW.

Heating systems authorized: RCW 35.97.020.

Industrial development revenue bonds: Chapter 39.84 RCW.

Lien for labor and materials on public works: Chapter 60.28 RCW.

Municipal airports: Chapters 14.07 and 14.08 RCW.

Permits to use waterways within a port district: RCW 79.120.040.

Public contracts: Chapters 39.04 through 39.32 RCW.

Special purpose districts, expenditures to recruit job candidates: RCW 42.24.170.

## **RCW 53.08.010**

### **Acquisition of property -- Levy of assessments.**

A port district may acquire by purchase, for cash or on deferred payments for a period not exceeding twenty years, or by condemnation, or both, all lands, property, property rights, leases, or easements necessary for its purposes and may exercise the right of **eminent domain** in the acquirement or damaging of all such lands, property, and property rights, and may levy and collect assessments upon property for the payment of all damages and compensation in carrying out its purposes, and such right shall be exercised in the same manner and by the same procedure as provided for cities of the first class insofar as consistent with this title, and in connection therewith the county treasurer shall perform the duties of the treasurers of such cities.

[1983 c 24 § 1; 1955 c 65 § 2. Prior: 1953 c 171 § 1; 1943 c 166 § 2, part; 1921 c 183 § 1, part; 1917 c 125 § 1, part; 1913 c 62 § 4, part; 1911 c 92 § 4, part; Rem. Supp. 1943 § 9692, part.]

## NOTES:



**Eminent domain:** State Constitution Art. 1 § 16 (Amendment 9).

**Eminent domain** by cities: Chapter 8.12 RCW.

---

**RCW 53.08.370**

**Telecommunications facilities -- Construct, purchase, acquire, etc. -- Purposes -- Limitations -- Eminent domain.**

(1) A rural port district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within the district's limits. Nothing in this subsection shall be construed to authorize rural port districts to provide telecommunications services to end users.

(2) A rural port district providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a rural port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a rural port district establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a rural port district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A rural port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A rural port district shall not exercise powers of **eminent domain** to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a rural port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a rural port district under this title.

[2000 c 81 § 7.]

**NOTES:**

**Findings -- 2000 c 81:** See note following RCW 53.08.005.

**RCW 53.20.050****Local improvements upon majority petition.**

Whenever a petition signed by one hundred freeholders in the district to be therein described, shall be filed with the port commission, asking that any portion of the general plan adopted be ordered, and defining the boundaries of a local improvement district to be assessed in whole or in part to pay the cost thereof, it shall be the duty of the port commission to fix a date for hearing on the petition, after which it may alter the boundaries of the proposed district and prepare and adopt detail plans of any such local improvement, declare the estimated cost thereof, what proportion of the cost shall be borne by the proposed local improvement district, and what proportion of the cost, if any, but in any event not to exceed fifty percent, shall be borne by the entire port district. At any time within two years thereafter, upon petition of the owners of a majority of the lands in the proposed local improvement district, fixed by the port commission, as shown in the office of the auditor of the county, asking that the improvement be ordered, the port commission shall forthwith by resolution order the improvement, provide the general funds of the port district to be applied thereto, acquire all lands necessary therefor, pay all damages caused thereby, and commence in the name of the port district such **eminent domain** proceedings and supplemental assessment or reassessment proceedings to pay all **eminent domain** awards as may be necessary to entitle the port district to proceed with such work, and shall thereafter proceed with the work, and shall make and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local improvement district in proportion to the special benefits to be derived by the property in the local improvement district from the improvement. Before the approval of the roll a notice shall be published once a week for two consecutive weeks in one or more newspapers of general circulation in the local improvement district, stating that the roll is on file and open to inspection in the office of the clerk of the port commission, and fixing a time not less than fifteen nor more than thirty days from the date of the first publication of the notice within which protests must be filed with the clerk of the port commission against any assessments shown thereon, and fixing a time when a hearing shall be held by the commission on the protests. After the hearing the port commission may alter any and all assessments shown on the roll and may then by resolution approve the same, but in the event of any assessment being raised a new notice similar to the first notice shall be given, after which final approval of the roll may be made by the port commission. Any person feeling aggrieved by any such assessments shall perfect an appeal to the superior court of the county within ten days after the approval in the manner now provided by law for appeals from assessments levied by cities of the first class in this state. Engineering and office expenses in all cases shall be borne by the general district.

[1985 c 469 § 52; 1911 c 92 § 10; RRS § 9697. Formerly RCW 53.20.050 through 53.20.080.]

**NOTES:**

Appeal from assessments: RCW 35.44.200 through 35.44.270.

Special assessments for local improvement: State Constitution Art. 7 § 9.

---

**Chapter 53.25 RCW**  
**INDUSTRIAL DEVELOPMENT DISTRICTS -- MARGINAL LANDS**

## RCW SECTIONS

- 53.25.010 Marginal lands -- Declaration of policies and purposes.
- 53.25.020 Marginal lands -- Further declaration.
- 53.25.030 "Marginal lands" defined.
- 53.25.040 Industrial development districts authorized -- Boundaries -- Deletion of land area.
- 53.25.050 Tax title lands may be conveyed to district.
- 53.25.060 Private lands may be conveyed to district -- Cancellation of taxes.
- 53.25.070 Discharge of trust.
- 53.25.080 When lands revert to county.
- 53.25.090 Conditions precedent to making improvements.
- 53.25.100 Powers as to industrial development districts.
- 53.25.110 Sale authorized in industrial development district.
- 53.25.120 Notice of hearing on sale -- Hearing -- Plans and specifications -- Conditions -- Devotion of property to public use.
- 53.25.130 Findings and determination -- Record -- Appeal.
- 53.25.140 Action on determination -- Sale by competitive bid or negotiation.
- 53.25.150 Competitive bids -- Conditions -- Acceptance.
- 53.25.160 Devotion of property to intended use -- Remedy -- Restraint on alienation.
- 53.25.170 Covenant running with the land -- Forfeiture.
- 53.25.190 **Eminent domain.**
- 53.25.200 Advances of general fund moneys or credit.
- 53.25.210 Determination that land sought by **eminent domain** is marginal.
- 53.25.900 Repeal and saving.
- 53.25.910 Severability -- 1955 c 73.

---

### RCW 53.25.010

#### **Marginal lands -- Declaration of policies and purposes.**

It is hereby declared to be the public policy of the legislature of the state of Washington, that it is in the public interest to employ the power of **eminent domain** and advance and expend public moneys for the purposes herein contained, and to provide for means by which marginal area properties may be developed or redeveloped in accordance with the legislative policies hereinafter stated:

(1) A sound development of the economic security of the peoples of the state of Washington is dependent upon proper development and redevelopment of marginal properties, and the general welfare of the inhabitants of the port districts in which they exist require the remedying of such injurious conditions marginal properties are now subjected to.

(2) The development and redevelopment of such marginal area properties cannot be accomplished by private enterprise alone without public participation and assistance in the acquisition of land and

planning and in the financing of land assembly in the work of clearance, development and redevelopment, and in the making of improvements necessary therefor.

(3) To protect and promote sound development and redevelopment of marginal lands as hereinafter defined, and the general welfare of the inhabitants of the port districts in which they exist, to remedying such injurious conditions through the employment of all appropriate means.

(4) That whenever the development or redevelopment of such marginal lands cannot be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land and planning and in financing of land assembly in the work of clearance, development and redevelopment, and in the making of improvements necessary therefor, it is in the public interest to employ the power of **eminent domain**, to advance and expend public moneys for those purposes, and to provide for means by which such marginal lands may be developed or redeveloped.

(5) That the development or redevelopment of such marginal lands and the provision of appropriate continuing land use constitute public uses and purposes for which public moneys may be advanced or expended and private property acquired, and are governmental functions and are of state concern in the interest of health, safety and welfare of the state of Washington, and of the communities in which such areas exist.

(6) That the necessity in the public interest for the provision of this chapter is declared to be a matter of legislative determination.

[1955 c 73 § 1.]

---

## RCW 53.25.100

### Powers as to industrial development districts.

All port districts wherein industrial development districts have been established are authorized and empowered to acquire by purchase or condemnation or both, all lands, property and property rights necessary for the purpose of the development and improvement of such industrial development district and to exercise the right of **eminent domain** in the acquirement or damaging of all lands, property and property rights and the levying and collecting of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said industrial development district has been created; to develop and improve the lands within such industrial development district to make the same suitable and available for industrial uses and purposes; to dredge, bulkhead, fill, grade, and protect such property; to provide, maintain, and operate water, light, power and fire protection facilities and services, streets, roads, bridges, highways, waterways, tracks, and rail and water transfer and terminal facilities and other harbor and industrial improvements; to execute leases of such lands or property or any part thereof; to establish local improvement districts within such industrial development districts which may, but need not, be coextensive with the boundaries thereof, and to levy special assessments, under the mode of annual installments, over a period not exceeding ten years, on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district; to issue local improvement bonds in any such local improvement district; to be repaid by the collection of local improvement assessments; and generally to exercise with respect to and within such industrial development districts all the powers now or hereafter conferred by law upon port districts in counties with a population of one hundred twenty-five thousand or more: PROVIDED, That the exercise of powers hereby authorized and granted shall be in the manner now and hereafter provided by the laws of the state for the exercise of such powers by port districts under the general laws relating thereto insofar

as the same shall not be inconsistent with this chapter.

[1991 c 363 § 132; 1955 c 73 § 10. Prior: 1939 c 45 § 6; RRS § 9709-6; RCW 53.24.070.]

#### NOTES:

**Purpose -- Captions not law -- 1991 c 363:** See notes following RCW 2.32.180.

**Eminent domain:** State Constitution Art. 1 § 16 (Amendment 9); Title 8 RCW.

---

#### RCW 53.25.190

##### **Eminent domain.**

All port districts of the state of Washington which have created or may hereafter create industrial development districts in the manner provided by law, in addition to all powers possessed by such port districts, be and are hereby granted power of **eminent domain** to acquire real property within the limits of such industrial development district which property is marginal lands as the term is herein defined. The exercise of the power granted in this section shall be exercised in the same manner and by the same procedure as in or may be provided by law for cities of the first class except insofar as such duties may be inconsistent with the provisions of this chapter and the duties devolving upon the city treasurer under said law be and the same are hereby imposed upon the county treasurer for the purposes of this chapter.

[1955 c 73 § 19.]

#### NOTES:

**Eminent domain:** State Constitution Art. 1 § 16 (Amendment 9).

**Eminent domain by cities:** Chapter 8.12 RCW.

---

#### RCW 53.25.210

##### **Determination that land sought by eminent domain is marginal.**

The determination that property sought by **eminent domain** proceedings is marginal lands as herein defined is a judicial question, provided that a duly adopted resolution of the commissioners of the port district that the property sought is marginal lands as the term is herein defined, setting forth the characteristics of the lands sought to be acquired which constitutes the marginal lands as herein defined, shall be prima facie evidence that such land is marginal lands as defined in this chapter.

[1955 c 73 § 21.]

---

#### RCW 53.31.040

##### **Export trading companies -- Powers -- Formation -- Dissolution.**

(1) For the purpose of promoting international trade, export trading companies formed under this chapter may provide export services through:

- (a) Holding and disposing of goods in international trade;
- (b) Taking title to goods.

All such activities engaged in or pursued by an export trading company shall be charged for in accordance with the customs of the trade at competitive market rates.

(2) Nothing contained in this chapter may be construed to authorize an export trading company to own or operate directly or indirectly any business which provides freight-forwarding, insurance, foreign exchange, or warehousing services. Nothing contained in this chapter may be construed to permit an export trading company to engage in the business of transporting commodities by motor vehicle, barge, ship, or rail for compensation.

(3)(a) Proceedings to form a public corporation designated as an export trading company shall be initiated by a resolution of the board of commissioners of a port district adopting a charter for the corporation. The charter shall contain such provisions as are authorized by law and include provisions for a board of directors which shall conduct the affairs of the export trading company. The board of directors shall include no fewer than three nor more than five members, all appointed by the port district board of commissioners. Commissioners of the port shall be eligible to serve as members of the board and shall constitute a majority of the board of directors at all times. Unless a later date is specified, the resolution shall take effect on the thirtieth day after adoption. The corporation shall be deemed formed for all purposes upon filing in the office of the secretary of state a certified copy of the effective resolution and the charter adopted by the resolution.

(b) In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the corporation, the corporation is conclusively presumed to be established and authorized to transact business and exercise its powers under this chapter upon proof of the adoption of the resolution creating the corporation by the governing body. A copy of the resolution duly certified by the secretary of the port district commission shall be admissible in evidence in any suit, action, or proceeding.

(c) A corporation created by a port district pursuant to this chapter may be dissolved by the district if the corporation (i) has no property to administer, other than funds or property, if any, to be paid or transferred to the district by which it was established; and (ii) all its outstanding obligations have been satisfied. Such a dissolution shall be accomplished by the governing body of the port district adopting a resolution providing for the dissolution.

(d) The creating port district may, at its discretion and at any time, alter or change the structure, organizational programs, or activities of the corporation, including termination of the corporation if contracts entered into by the corporation are not impaired. Subject to any contractual obligations, any net earnings of the corporation shall inure only to the benefit of the creating port district. Upon dissolution of the corporation, all assets and title to all property owned by the corporation shall vest in the creating port district.

(4) A port district may contract with an export trading company to provide services on a reimbursement basis at current business rates to the export trading company, including but not limited to accounting, legal, clerical, technical, and other administrative services. Separate accounting records prepared according to generally accepted accounting principles shall be maintained by the export trading company.

(5) Any obligation of an export trading company shall not in any manner be an obligation of the port district nor a charge upon any revenues or property of the port district.

(6) An export trading company may borrow money or contract indebtedness and pledge, in whole or in part, any of its revenues or assets not subject to prior liens or pledges. An export trading company

may not pledge any revenue or property of a port district or other municipal corporation and no port district or other municipal corporation may pledge its revenues or property to the payment thereof. An export trading company has no power to issue general obligation bonds, levy taxes, or exercise power of **eminent domain**.

[1989 c 11 § 23; 1986 c 276 § 4.]

## NOTES:

**Severability -- 1989 c 11:** See note following RCW 9A.56.220.

---

### Chapter 54.16 RCW POWERS

## RCW SECTIONS

- 54.16.005 Definitions.
- 54.16.010 Surveys, plans, investigations, or studies.
- 54.16.020 Acquisition of property and rights -- **Eminent domain**.
- 54.16.030 Water and irrigation works.
- 54.16.032 Authority to assist customers in the acquisition of water conservation equipment -- Limitations.
- 54.16.035 Provision of water service beyond district subject to review by boundary review board.
- 54.16.040 Electric energy.
- 54.16.045 Nonpolluting power generation by individual -- Exemption from regulation -- Authorization to contract with utility.
- 54.16.047 Hydroelectric resources -- Separate legal authority -- Creation by irrigation districts and cities, towns, or public utility districts.
- 54.16.050 Water rights.
- 54.16.060 Intertie lines.
- 54.16.070 District may borrow money, contract indebtedness, issue bonds or obligations -- Guaranty fund.
- 54.16.080 Levy and collection of taxes -- Tax anticipation warrants.
- 54.16.083 Community revitalization financing -- Public improvements.
- 54.16.085 Interfund loans.
- 54.16.090 Contracts with other agencies or utilities -- Gifts, etc. -- Employees and experts -- Advancements.
- 54.16.092 Employment interview expenses.
- 54.16.095 Liability insurance for officials and employees.
- 54.16.096 Liability insurance for officers and employees authorized.
- 54.16.097 Actions against officer, employee, or agent -- Defense and costs provided by public utility

district -- Exception.

- 54.16.100 Manager -- Appointment -- Compensation -- Duties.
- 54.16.110 May sue and be sued -- Claims.
- 54.16.120 Local utility districts authorized.
- 54.16.125 Exemption of farm and agricultural land from special benefit assessments.
- 54.16.130 Local districts -- Procedure -- Financing.
- 54.16.140 Petition or resolution for local district -- Hearing -- Notice.
- 54.16.142 Local utility districts -- Notice must contain statement that assessments may vary from estimates.
- 54.16.145 Local utility districts -- Sanitary sewer or potable water facilities -- Notice to certain property owners.
- 54.16.150 Procedure when petition is signed by majority of landowners.
- 54.16.160 Assessment roll -- Hearing -- Appellate review -- Expenses.
- 54.16.165 Segregation of assessments.
- 54.16.170 Apportionment of cost of improvement.
- 54.16.180 Sale, lease, disposition of properties, equipment, and materials -- Procedure -- Acquisition, operation of sewage system by districts in certain counties.
- 54.16.190 General resolutions.
- 54.16.200 Joint exercise of powers and joint acquisition of properties.
- 54.16.210 Joint acquisition, operation, etc., with city of electrical utility properties.
- 54.16.220 Columbia river hydroelectric projects -- Grant back of easements to former owners.
- 54.16.230 Sewage system works -- Acquire, construct, operate, etc. -- Authorizing election -- Procedure.
- 54.16.240 Sewage system works -- Resolution or petition -- Voter approval or rejection.
- 54.16.250 Sewage system works -- Ballot proposition -- Canvass.
- 54.16.260 Sewage system works -- Accounts and funding.
- 54.16.270 Sewage system works -- Existing authority not affected.
- 54.16.280 Energy conservation plan -- Financing authorized for energy conservation projects in structures or equipment -- Limitations.
- 54.16.285 Limitations on termination of utility service for residential heating.
- 54.16.300 Combined utility functions.
- 54.16.310 Operation, maintenance, and inspection of sewage disposal facilities, septic tanks, and wastewater disposal facilities and systems -- Maintenance costs.
- 54.16.320 Assumption of substandard water system -- Limited immunity from liability.
- 54.16.330 Telecommunications facilities -- Purposes -- Limitations -- Provision of wholesale telecommunications services -- **Eminent domain.**
- 54.16.340 Wholesale telecommunications services -- Petition for review of rates, terms, conditions.



54.16.350 Tariff for irrigation pumping service -- Authority to buy back electricity.

54.16.360 Cooperative watershed management.

54.16.370 Purchase of electric power and energy from joint operating agency.

54.16.380 Appliance repair service -- Operation by district.

54.16.385 Appliance repair service -- Requirements.

#### NOTES:

Deferral of special assessments: Chapter 84.38 RCW.

Special benefit assessments -- Property taxes -- Exemptions: RCW 84.34.300 through 84.34.380.

---

#### **RCW 54.16.020**

##### **Acquisition of property and rights -- Eminent domain.**

A district may construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop, and regulate all lands, property, property rights, water, water rights, dams, ditches, flumes, aqueducts, pipes and pipe lines, water power, leases, easements, rights of way, franchises, plants, plant facilities, and systems for generating electric energy by water power, steam, or other methods; plants, plant facilities, and systems for developing, conserving, and distributing water for domestic use and irrigation; buildings, structures, poles and pole lines, and cables and conduits and any and all other facilities; and may exercise the right of **eminent domain** to effectuate the foregoing purposes or for the acquisition and damaging of such property and rights, or property of any kind appurtenant thereto, and for the purpose of acquiring the right to make physical connection with plants and plant facilities of all persons and municipalities. The right of **eminent domain** shall be exercised pursuant to resolution of the commission and conducted in the same manner and by the same procedure as is provided for the exercise of that power by cities and towns of the state in the acquisition of like property and property rights. It shall be no defense to a condemnation proceeding that a portion of the electric current generated or sold by the district will be applied to private purposes, if the principal uses intended are public: PROVIDED, That no public utility owned by a city or town shall be condemned, and none shall be purchased without submission of the question to the voters of the utility district. In a condemnation proceeding, the court shall submit to the jury the values placed upon the property by the taxing authority for taxation purposes, and in respect to property, plants, and facilities of persons using public highways for furnishing public service without franchises, shall consider in determining the value thereof the fact that the property, plants, and facilities are subject to be removed from the highways by reason of being so operated without a franchise.

[1955 c 390 § 3. Prior: 1945 c 143 § 1(b); 1931 c 1 § 6(b); Rem. Supp. 1945 § 11610(b).]

#### NOTES:

**Eminent domain:** State Constitution Art. 1 § 16 (Amendment 9).

**Eminent domain by cities:** Chapter 8.12 RCW.

---

#### **RCW 54.16.150**

##### **Procedure when petition is signed by majority of landowners.**

When a petition signed by a majority of the landowners in a proposed local improvement district is filed with the commission, asking that the improvement therein described be ordered, the commission shall forthwith fix a date for hearing thereon after which it shall, by resolution, order the improvement, and may alter the boundaries of the proposed district; prepare and adopt the improvement; prepare and adopt detail plans thereof; declare the estimated cost thereof, what proportion of the cost shall be borne by the local district, and what proportion, if any, shall be borne by the entire public utility district, and provide the general funds thereof to be applied thereto, if any; acquire all lands and other properties therefor; pay all damages caused thereby; and commence in the name of the public utility district such **eminent domain** proceedings and supplemental assessment or reassessment proceedings to pay all **eminent domain** awards necessary to entitle the district to proceed with the work, and shall thereafter proceed with the work, and shall file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property in the local improvement district in proportion to the special benefits to be derived by the property in the local district from the improvement: PROVIDED, HOWEVER, No such improvement shall be ordered unless the same appears to the commission to be financially and economically feasible: AND PROVIDED FURTHER, That the commission may require as a condition to ordering such improvement or to making its determination as to the financial and economic feasibility, that all or a portion of such engineering, legal or other costs incurred or to be incurred by the commission in determining financial and economic feasibility shall be borne or guaranteed by the petitioners of the proposed local improvement district under such rules as the commission may adopt. No person shall withdraw his name from the petition after the same has been filed with the commission.

[1959 c 142 § 3; 1955 c 390 § 16. Prior: 1945 c 143 § 1(l), part; 1931 c 1 § 6(l), part; Rem. Supp. 1945 § 11610(l), part.]

#### **RCW 54.16.330**

##### **Telecommunications facilities -- Purposes -- Limitations -- Provision of wholesale telecommunications services -- Eminent domain.**

(1) A public utility district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

- (a) For the district's internal telecommunications needs; and
- (b) For the provision of wholesale telecommunications services within the district and by contract with another public utility district.

Nothing in this subsection shall be construed to authorize public utility districts to provide telecommunications services to end users.

(2) A public utility district providing wholesale telecommunications services shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a public utility district offering rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) A public utility district providing wholesale telecommunications services shall not be required to but may establish a separate utility system or function for such purpose. In either case, a public utility

district providing wholesale telecommunications services shall separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title. Any revenues received from the provision of wholesale telecommunications services must be dedicated to costs incurred to build and maintain any telecommunications facilities constructed, installed, or acquired to provide such services, including payments on debt issued to finance such services, until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance such telecommunications facilities are discharged or retired.

(4) When a public utility district provides wholesale telecommunications services, all telecommunications services rendered to the district for the district's internal telecommunications needs shall be allocated or charged at its true and full value. A public utility district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A public utility district shall not exercise powers of **eminent domain** to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a public utility district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a public utility district under this title.

[2004 c 158 § 1; 2000 c 81 § 3.]

#### NOTES:

**Findings -- 2000 c 81:** See note following RCW 53.08.005.

---

#### RCW 57.08.005

##### Powers.

\*\*\* CHANGE IN 2007 \*\*\* (SEE 5231-S.SL) \*\*\*

A district shall have the following powers:

(1) To acquire by purchase or condemnation, or both, all lands, property and property rights, and all water and water rights, both within and without the district, necessary for its purposes. The right of **eminent domain** shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with this title, except that all assessment or reassessment rolls to be prepared and filed by **eminent domain** commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer are imposed upon the county treasurer;

(2) To lease real or personal property necessary for its purposes for a term of years for which that leased property may reasonably be needed;

(3) To construct, condemn and purchase, add to, maintain, and supply waterworks to furnish the

district and inhabitants thereof and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer. District waterworks may include facilities which result in combined water supply and electric generation, if the electricity generated thereby is a byproduct of the water supply system. That electricity may be used by the district or sold to any entity authorized by law to use or distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a district may take, condemn and purchase, acquire, and retain water from any public or navigable lake, river or watercourse, or any underflowing water, and by means of aqueducts or pipeline conduct the same throughout the district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner;

(4) To purchase and take water from any municipal corporation, private person, or entity. A district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under the terms approved by the board of commissioners;

(5) To construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district, the inhabitants thereof, and persons outside the district with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, on-site sanitary sewerage systems, inspection services and maintenance services for private and public on-site systems, point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a district, other facilities, programs, and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater with full authority to regulate the use and operation thereof and the service rates to be charged. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Sewage facilities may include facilities which result in combined sewage disposal or treatment and electric generation, except that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal or treatment. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to

protect any lakes, rivers, or watercourses and also other areas of land from pollution from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities that result in combined sewage disposal or treatment and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(6)(a) To construct, condemn and purchase, add to, maintain, and operate systems of drainage for the benefit and use of the district, the inhabitants thereof, and persons outside the district with an adequate system of drainage, including but not limited to facilities and systems for the collection, interception, treatment, and disposal of storm or surface waters, and for the protection, preservation, and rehabilitation of surface and underground waters, and drainage facilities for public highways, streets, and roads, with full authority to regulate the use and operation thereof and, except as provided in (b) of this subsection, the service rates to be charged.

(b) The rate a district may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(c) Drainage facilities may include natural systems. Drainage facilities may include facilities which result in combined drainage facilities and electric generation, except that the electricity generated thereby is a byproduct of the drainage system. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of drainage collection, disposal, and treatment. For such purposes, a district may conduct storm or surface water throughout the district and throughout other political subdivisions within the district, construct and lay drainage pipe and culverts along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such drainage systems. A district may provide or erect facilities and improvements for the treatment and disposal of storm or surface water within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from storm or surface waters. For the purposes of drainage facilities which include facilities that also generate electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(7) To construct, condemn, acquire, and own buildings and other necessary district facilities;

(8) To compel all property owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system under such penalty as the commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served;

(9) Where a district contains within its borders, abuts, or is located adjacent to any lake, stream, ground water as defined by RCW 90.44.035, or other waterway within the state of Washington, to provide for the reduction, minimization, or elimination of pollutants from those waters in accordance

with the district's comprehensive plan, and to issue general obligation bonds, revenue bonds, local improvement district bonds, or utility local improvement bonds for the purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters;

(10) Subject to subsection (6) of this section, to fix rates and charges for water, sewer, and drain service supplied and to charge property owners seeking to connect to the district's systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that those property owners shall bear their equitable share of the cost of the system. For the purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants. The connection charge may include interest charges applied from the date of construction of the system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the property owner is seeking to connect. In lieu of requiring the installation of permanent local facilities not planned for construction by the district, a district may permit connection to the water and/or sewer systems through temporary facilities installed at the property owner's expense, provided the property owner pays a connection charge consistent with the provisions of this chapter and agrees, in the future, to connect to permanent facilities when they are installed; or a district may permit connection to the water and/or sewer systems through temporary facilities and collect from property owners so connecting a proportionate share of the estimated cost of future local facilities needed to serve the property, as determined by the district. The amount collected, including interest at a rate commensurate with the rate of interest applicable to the district at the time of construction of the temporary facilities, shall be held for contribution to the construction of the permanent local facilities by other developers or the district. The amount collected shall be deemed full satisfaction of the proportionate share of the actual cost of construction of the permanent local facilities. If the permanent local facilities are not constructed within fifteen years of the date of payment, the amount collected, including any accrued interest, shall be returned to the property owner, according to the records of the county auditor on the date of return. If the amount collected is returned to the property owner, and permanent local facilities capable of serving the property are constructed thereafter, the property owner at the time of construction of such permanent local facilities shall pay a proportionate share of the cost of such permanent local facilities, in addition to reasonable connection charges and other charges authorized by this section. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Those fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

A water-sewer district shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using water-sewer district employees unless the on-site system is connected by a publicly owned collection system to the water-sewer district's sewerage system, and the on-site system represents the first step in the sewage disposal process.

Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for sewer, water, storm water control, drainage, and street lighting facilities to the same extent private persons and private property are subject to those rates and charges that are imposed by districts. In setting those rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

(11) To contract with individuals, associations and corporations, the state of Washington, and the United States;

(12) To employ such persons as are needed to carry out the district's purposes and fix salaries and any bond requirements for those employees;

(13) To contract for the provision of engineering, legal, and other professional services as in the board of commissioner's discretion is necessary in carrying out their duties;

(14) To sue and be sued;

(15) To loan and borrow funds and to issue bonds and instruments evidencing indebtedness under chapter 57.20 RCW and other applicable laws;

(16) To transfer funds, real or personal property, property interests, or services subject to RCW 57.08.015;

(17) To levy taxes in accordance with this chapter and chapters 57.04 and 57.20 RCW;

(18) To provide for making local improvements and to levy and collect special assessments on property benefitted thereby, and for paying for the same or any portion thereof in accordance with chapter 57.16 RCW;

(19) To establish street lighting systems under RCW 57.08.060;

(20) To exercise such other powers as are granted to water-sewer districts by this title or other applicable laws; and

(21) To exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage.

[2004 c 202 § 1; 2003 c 394 § 5; 1999 c 153 § 2; 1997 c 447 § 16; 1996 c 230 § 301.]

#### NOTES:

**Part headings not law -- 1999 c 153:** See note following RCW 57.04.050.

**Finding -- Purpose -- 1997 c 447:** See note following RCW 70.05.074.

**Part headings not law -- Effective date -- 1996 c 230:** See notes following RCW 57.02.001.

#### **RCW 57.16.062**

#### **Hearing -- Improvement ordered -- Divestment of power to order -- Notice -- Appeal -- Assessment roll.**

Whether an improvement district is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the improvement district and may make such changes in the boundaries of the improvement district or such modifications in the plans for the proposed improvement as shall be deemed necessary. The board may not change the boundaries of the improvement district to include property not previously included in it without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time provided in this chapter for the original notice.

After the hearing and the expiration of the ten-day period for filing protests, the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement district initiated by petition or resolution. The jurisdiction of the commissioners to proceed with any improvement district initiated by resolution shall be divested by protests filed with the secretary of the board within ten days after the public hearing, signed by the owners, according to the records of the applicable county auditor, of at least forty percent of the area of land within the proposed improvement district.

If the commissioners find that the improvement district should be formed, they shall by resolution form the improvement district and order the improvement. After execution of the resolution forming the improvement district, the secretary of the board of commissioners shall publish, in a legal publication that serves the area subject to the improvement district, a notice setting forth that a resolution has been passed forming the improvement district and that a lawsuit challenging the jurisdiction or authority of the district to proceed with the improvement and creating the improvement district must be filed, and notice to the district served, within thirty days of the publication of the notice. The notice shall set forth the nature of the appeal. Property owners bringing the appeal shall follow the procedures set forth under RCW 57.16.090. Whenever a resolution forming an improvement district has been adopted, the formation is conclusive in all things upon all parties, and cannot be contested or questioned in any manner in any proceeding whatsoever by any person not commencing a lawsuit in the manner and within the time provided in this section, except for lawsuits made under RCW 57.16.090.

Following an appeal, if it is unsuccessful or if no appeal is made under RCW 57.16.090, the commissioners may proceed with creating the improvement district, provide the improvement and provide the general funds of the district to be applied thereto, adopt detailed plans of the improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the district such **eminent domain** proceedings as may be necessary to entitle the district to proceed with the improvements. The board shall thereupon proceed with the work and file with the county treasurer of the county in which the real property is located its roll levying special assessments in the amount to be paid by special assessment against the property situated within the improvement district in proportion to the special benefits to be derived by the property therein from the improvements.

[1996 c 230 § 605; 1991 c 190 § 3; 1986 c 256 § 2; 1974 ex.s. c 58 § 6; 1971 ex.s. c 272 § 9; 1953 c 250 § 18; 1941 c 210 § 28; Rem. Supp. 1941 § 9425-37. Formerly RCW 56.20.030.]



**NOTES:**

**Part headings not law -- Effective date -- 1996 c 230:** See notes following RCW 57.02.001.

**RCW 57.16.090****Review.**

The decision of the district board of commissioners upon any objections made within the time and in the manner herein prescribed may be reviewed by the superior court upon an appeal thereto taken in the following manner. The appeal shall be made by filing written notice of appeal with the secretary of the board of commissioners and with the clerk of the superior court in the county in which the real property is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of the court a transcript consisting of the assessment roll and the appellant's objections thereto, together with the resolution confirming the assessment roll and the record of the district commissioners with reference to the assessment. The transcript, upon payment of the necessary fees therefor, shall be furnished by the secretary of the board of commissioners and shall be certified by the secretary to contain full, true, and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court, the appellant shall file a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of the court, conditioned to prosecute such appeal without delay, and if unsuccessful to pay all costs to which the district is put by reason of such appeal. The court may order the appellant, upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, the appellant shall give written notice to the secretary of the district that such transcript is filed. The notice shall state a time, not less than three days from the service thereof, when the appellant will call up the cause for hearing. The superior court shall, at such time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury. The appeal shall have preference over all civil causes pending in the court, except **eminent domain** proceedings and actions of forcible entry and detainer. The judgment of the court shall confirm, unless the court shall find from the evidence that such assessment is either founded upon a fundamentally wrong basis or a decision of the board of commissioners thereon was arbitrary or capricious, or both, in which event the judgment of the court shall correct, modify, or annul the assessment insofar as it affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, who shall modify and correct the assessment roll in accordance with such decision. Appellate review of the judgment of the superior court may be sought as in other civil cases. However, the appeal must be sought within fifteen days after the date of the entry of the judgment of such superior court. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of the assessment roll, who shall thereupon modify and correct the assessment roll in accordance with the decision.

[1996 c 230 § 609; 1991 c 190 § 8; 1988 c 202 § 53; 1982 1st ex.s. c 17 § 18; 1971 c 81 § 126; 1965 ex.s. c 39 § 2; 1929 c 114 § 13; RRS § 11591. Cf. 1913 c 161 § 13.]

**NOTES:**

**Rules of court:** Cf. RAP 5.2, 18.22.

**Part headings not law -- Effective date -- 1996 c 230:** See notes following RCW 57.02.001.

**Severability -- 1988 c 202:** See note following RCW 2.24.050.

# **RCW 59.18.085**

## **Rental of condemned or unlawful dwelling -- Tenant's remedies -- Relocation assistance -- Penalties.**

(1) If a governmental agency responsible for the enforcement of a building, housing, or other appropriate code has notified the landlord that a dwelling is condemned or unlawful to occupy due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, a landlord shall not enter into a rental agreement for the dwelling unit until the conditions are corrected.

(2) If a landlord knowingly violates subsection (1) of this section, the tenant shall recover either three months' periodic rent or up to treble the actual damages sustained as a result of the violation, whichever is greater, costs of suit, or arbitration and reasonable attorneys' fees. If the tenant elects to terminate the tenancy as a result of the conditions leading to the posting, or if the appropriate governmental agency requires that the tenant vacate the premises, the tenant also shall recover:

- (a) The entire amount of any deposit prepaid by the tenant; and
- (b) All prepaid rent.

(3)(a) If a governmental agency responsible for the enforcement of a building, housing, or other appropriate code has notified the landlord that a dwelling will be condemned or will be unlawful to occupy due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, a landlord, who knew or should have known of the existence of these conditions, shall be required to pay relocation assistance to the displaced tenants except that:

- (i) A landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which the condemnation or no occupancy order affects one or more dwelling units and directly results from conditions caused by a tenant's or any third party's illegal conduct without the landlord's prior knowledge;
- (ii) A landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which the condemnation or no occupancy order affects one or more dwelling units and results from conditions arising from a natural disaster such as, but not exclusively, an earthquake, tsunami, wind storm, or hurricane; and
- (iii) A landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which a condemnation affects one or more dwelling units and the tenant's displacement is a direct result of the acquisition of the property by **eminent domain**.

(b) Relocation assistance provided to displaced tenants under this subsection shall be the greater amount of two thousand dollars per dwelling unit or three times the monthly rent. In addition to relocation assistance, the landlord shall be required to pay to the displaced tenants the entire amount of any deposit prepaid by the tenant and all prepaid rent.

(c) The landlord shall pay relocation assistance and any prepaid deposit and prepaid rent to displaced tenants within seven days of the governmental agency sending notice of the condemnation, eviction, or

displacement order to the landlord. The landlord shall pay relocation assistance and any prepaid deposit and prepaid rent either by making individual payments by certified check to displaced tenants or by providing a certified check to the governmental agency ordering condemnation, eviction, or displacement, for distribution to the displaced tenants. If the landlord fails to complete payment of relocation assistance within the period required under this subsection, the city, town, county, or municipal corporation may advance the cost of the relocation assistance payments to the displaced tenants.

(d) During the period from the date that a governmental agency responsible for the enforcement of a building, housing, or other appropriate code first notifies the landlord of conditions that violate applicable codes, statutes, ordinances, or regulations to the time that relocation assistance payments are paid to eligible tenants, or the conditions leading to the notification are corrected, the landlord may not:

(i) Evict, harass, or intimidate tenants into vacating their units for the purpose of avoiding or diminishing application of this section;

(ii) Reduce services to any tenant; or

(iii) Materially increase or change the obligations of any tenant, including but not limited to any rent increase.

(e) Displaced tenants shall be entitled to recover any relocation assistance, prepaid deposits, and prepaid rent required by (b) of this subsection. In addition, displaced tenants shall be entitled to recover any actual damages sustained by them as a result of the condemnation, eviction, or displacement that exceed the amount of relocation assistance that is payable. In any action brought by displaced tenants to recover any payments or damages required or authorized by this subsection (3)(e) or (c) of this subsection that are not paid by the landlord or advanced by the city, town, county, or municipal corporation, the displaced tenants shall also be entitled to recover their costs of suit or arbitration and reasonable attorneys' fees.

(f) If, after sixty days from the date that the city, town, county, or municipal corporation first advanced relocation assistance funds to the displaced tenants, a landlord has failed to repay the amount of relocation assistance advanced by the city, town, county, or municipal corporation under (c) of this subsection, then the city, town, county, or municipal corporation shall assess civil penalties in the amount of fifty dollars per day for each tenant to whom the city, town, county, or municipal corporation has advanced a relocation assistance payment.

(g) In addition to the penalties set forth in (f) of this subsection, interest will accrue on the amount of relocation assistance paid by the city, town, county, or municipal corporation for which the property owner has not reimbursed the city, town, county, or municipal corporation. The rate of interest shall be the maximum legal rate of interest permitted under RCW 19.52.020, commencing thirty days after the date that the city first advanced relocation assistance funds to the displaced tenants.

(h) If the city, town, county, or municipal corporation must initiate legal action in order to recover the amount of relocation assistance payments that it has advanced to low-income tenants, including any interest and penalties under (f) and (g) of this subsection, the city, town, county, or municipal corporation shall be entitled to attorneys' fees and costs arising from its legal action.

(4) The government agency that has notified the landlord that a dwelling will be condemned or will be unlawful to occupy shall notify the displaced tenants that they may be entitled to relocation assistance under this section.

(5) No payment received by a displaced tenant under this section may be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of any tax imposed under Title 82 RCW, and the payments shall not be deducted from any amount to which any recipient would otherwise be entitled under Title 74 RCW.

[2005 c 364 § 2; 1989 c 342 § 13.]

#### **NOTES:**

**Purpose -- 2005 c 364:** "The people of the state of Washington deserve decent, safe, and sanitary housing. Certain tenants in the state of Washington have remained in rental housing that does not meet the state's minimum standards for health and safety because they cannot afford to pay the costs of relocation in advance of occupying new, safe, and habitable housing. In egregious cases, authorities have been forced to condemn property when landlords have failed to remedy building code or health code violations after repeated notice, and, as a result, families with limited financial resources have been displaced and left with nowhere to go.

The purpose of this act is to establish a process by which displaced tenants would receive funds for relocation from landlords who fail to provide safe and sanitary housing after due notice of building code or health code violations. It is also the purpose of this act to provide enforcement mechanisms to cities, towns, counties, or municipal corporations including the ability to advance relocation funds to tenants who are displaced as a result of a landlord's failure to remedy building code or health code violations and later to collect the full amounts of these relocation funds, along with interest and penalties, from landlords." [2005 c 364 § 1.]

**Construction -- 2005 c 364:** "The powers and authority conferred by this act are in addition and supplemental to powers or authority conferred by any other law or authority, and nothing contained herein shall be construed to preempt any local ordinance requiring relocation assistance to tenants displaced by a landlord's failure to remedy building code or health code violations." [2005 c 364 § 4.]

#### **RCW 65.12.400**

##### **Registered land charged as other land.**

Registered land and ownership therein shall in all respects be subject to the same burdens and incidents which attach by law to unregistered land. Nothing contained in this chapter shall in any way be construed to relieve registered land, or the owners thereof, from any rights incident to the relation of husband and wife, or from liability to attachment of mesne process, or levy on execution, or from liability from any lien of any description established by law on land or the improvements thereon, or the interest of the owner in such land or improvements, or to change the laws of descent, or the rights of partition between cotenants, or the right to take the same by **eminent domain**, or to relieve such land from liability to be recovered by an assignee in insolvency or trustee in bankruptcy, under the provisions of law relating thereto; or to change or affect in any way, any other rights or liabilities, created by law, applicable to unregistered land, except as otherwise expressly provided in this chapter, or any amendments hereof.

[1907 c 250 § 53; RRS § 10682.]

**RCW 65.12.610****Eminent domain -- Reversion.**

Whenever registered land, or any right or interest therein, is taken by **eminent domain**, the state or body politic, or corporate or other authority exercising such right shall pay all fees on account of any memorial or registration or entry of new certificates, or duplicate thereof, and fees for the filing of instruments required by this chapter to be filed. When, for any reason, by operation of law, land which has been taken for public use reverts to the owner from whom it was taken, or his heirs or assigns, the court, upon petition of the person entitled to the benefit of the reversion, after such notice as it may order, and hearing, may order the entry of a new certificate of title to him.

[1907 c 250 § 76; RRS § 10705.]

---

**Chapter 67.20 RCW**  
**PARKS, BATHING BEACHES, PUBLIC CAMPS**

**RCW SECTIONS**

67.20.010 Authority to acquire and operate certain recreational facilities -- Charges -- **Eminent domain.**

67.20.015 Authority to establish and operate public camps -- Charges.

67.20.020 Contracts for cooperation.

67.20.030 Scope of chapter.

**NOTES:**

County parks and recreational facilities: Chapter 36.68 RCW.

**Eminent domain:** Title 8 RCW.

Metropolitan park districts: Chapter 35.61 RCW.

Recreation districts act for counties: Chapter 36.69 RCW.

State parks and recreation commission: Chapter 79A.05 RCW.

**RCW 67.20.010****Authority to acquire and operate certain recreational facilities -- Charges -- Eminent domain.**

Any city in this state acting through its city council, or its board of park commissioners when authorized by charter or ordinance, any separately organized park district acting through its board of park commissioners or other governing officers, any school district acting through its board of school directors, any county acting through its board of county commissioners, any park and recreation service area acting through its governing body, and any town acting through its town council shall have power, acting independently or in conjunction with the United States, the state of Washington, any county, city, park district, school district or town or any number of such public organizations to acquire any land within this state for park, playground, gymnasiums, swimming pools, field houses and other recreational facilities, bathing beach or public camp purposes and roads leading from said parks, playgrounds,

gymnasiums, swimming pools, field houses and other recreational facilities, bathing beaches, or public camps to nearby highways by donation, purchase or condemnation, and to build, construct, care for, control, supervise, improve, operate and maintain parks, playgrounds, gymnasiums, swimming pools, field houses and other recreational facilities, bathing beaches, roads and public camps upon any such land, including the power to enact and enforce such police regulations not inconsistent with the constitution and laws of the state of Washington, as are deemed necessary for the government and control of the same. The power of **eminent domain** herein granted shall not extend to any land outside the territorial limits of the governmental unit or units exercising said power.

[1988 c 82 § 7; 1949 c 97 § 1; 1921 c 107 § 1; Rem. Supp. 1949 § 9319. FORMER PART OF SECTION: 1949 c 97 § 3; 1921 c 107 § 3; Rem. Supp. 1949 § 9321 now codified as RCW 67.20.015.]

---

## Chapter 67.28 RCW

### PUBLIC STADIUM, CONVENTION, ARTS, AND TOURISM FACILITIES

#### RCW SECTIONS

- 67.28.080 Definitions.
- 67.28.120 Authorization to acquire and operate tourism-related facilities.
- 67.28.125 Selling convention center facilities -- Smaller counties within national scenic areas.
- 67.28.130 Conveyance or lease of lands, properties or facilities authorized -- Joint participation, use of facilities.
- 67.28.140 Declaration of public purpose -- Right of **eminent domain**.
- 67.28.150 Issuance of general obligation bonds -- Maturity -- Methods of payment.
- 67.28.160 Revenue bonds -- Issuance, sale, form, term, payment, reserves, actions.
- 67.28.170 Power to lease all or part of facilities -- Disposition of proceeds.
- 67.28.180 Lodging tax authorized -- Conditions.
- 67.28.1801 Credit against sales tax due on same lodging.
- 67.28.181 Special excise taxes authorized--Rates--Credits for city or town tax by county -- Limits.
- 67.28.1815 Revenue--Special fund--Uses for tourism promotion and tourism facility acquisition and operation.
- 67.28.1817 Lodging tax advisory committee in large municipalities--Submission of proposal for imposition of or change in tax or use--Comments.
- 67.28.183 Exemption from tax -- Emergency lodging for homeless persons -- Conditions.
- 67.28.184 Use of hotel-motel tax revenues by cities for professional sports franchise facilities limited.
- 67.28.200 Special excise tax authorized -- Exemptions may be established -- Collection.
- 67.28.220 Powers additional and supplemental to other laws.
- 67.28.8001 Reports by municipalities--Summary and analysis by department of community, trade, and economic development.
- 67.28.900 Severability -- 1965 c 15.

- 67.28.910 Severability -- 1967 c 236.  
67.28.911 Severability -- 1973 2nd ex.s. c 34.  
67.28.912 Severability -- 1975 1st ex.s. c 225.  
67.28.913 Severability -- 1988 ex.s. c 1.

## NOTES:

Multipurpose community centers: Chapter 35.59 RCW.

Stadiums, coliseums, powers of counties to build and operate: RCW 36.68.090.

Tax changes: RCW 82.14.055.

Tax rate calculation errors: RCW 82.32.430.

---

### **RCW 67.28.140**

#### **Declaration of public purpose -- Right of eminent domain.**

The acts authorized herein are declared to be strictly for the public purposes of the municipalities authorized to perform same. Any municipality as defined in RCW 67.28.080 shall have the power to acquire by condemnation and purchase any lands and property rights, both within and without its boundaries, which are necessary to carry out the purposes of this chapter. Such right of **eminent domain** shall be exercised by the legislative body of each such municipality in the manner provided by applicable general law or under chapter 8.12 RCW.

[1967 c 236 § 7.]

---

## **Chapter 68.52 RCW PUBLIC CEMETERIES AND MORGUES**

### **RCW SECTIONS**

- 68.52.010 Morgues authorized in counties.  
68.52.020 Coroner to control morgue -- Expense.  
68.52.030 Counties and cities may provide for burial, acquire cemeteries, etc.  
68.52.040 Cities and towns may own, improve, etc., cemeteries.  
68.52.045 Cities and towns may provide for a cemetery board.  
68.52.050 Cemetery improvement fund.  
68.52.060 Care and investment of fund.  
68.52.065 Approval of investments.  
68.52.070 Cemetery improvement fund -- Management.  
68.52.080 Books of account -- Audit.  
68.52.090 Establishment authorized.

- 68.52.100 Petition -- Requisites -- Examination.
- 68.52.110 Hearing -- Place and date.
- 68.52.120 Publication and posting of petition and notice of hearing.
- 68.52.130 Hearing -- Inclusion and exclusion of lands.
- 68.52.140 Election on formation of district and first commissioners.
- 68.52.150 Election, how conducted -- Notice.
- 68.52.155 Conformity with election laws -- Exception -- Vacancies.
- 68.52.160 Election ballot.
- 68.52.170 Canvass of returns -- Resolution of organization.
- 68.52.180 Review -- Organization complete.
- 68.52.190 General powers of district.
- 68.52.192 Public cemetery facilities or services -- Cooperation with public or private agencies -- Joint purchasing.
- 68.52.193 Public cemetery facilities or services -- "Public agency" defined.
- 68.52.195 Community revitalization financing -- Public improvements.
- 68.52.200 Right of **eminent domain**.
- 68.52.210 Power to do cemetery business -- District boundaries may include cities and towns -- **Eminent domain** exception.
- 68.52.220 District commissioners -- Compensation -- Election.
- 68.52.250 Special elections.
- 68.52.260 Oath of commissioners.
- 68.52.270 Organization of board -- Secretary -- Office -- Meetings -- Powers.
- 68.52.280 Duty of county treasurer -- Cemetery district fund.
- 68.52.290 Tax levy authorized for fund.
- 68.52.300 Disbursement of fund.
- 68.52.310 Limitation of indebtedness -- Limitation of tax levy.
- 68.52.320 Dissolution of districts.
- 68.52.330 Disincorporation of district located in county with a population of two hundred ten thousand or more and inactive for five years.
- 68.52.900 Severability -- 1947 c 6.
- 68.52.901 Effective date -- 1987 c 331.

## NOTES:

Public bodies may retain collection agencies to collect public debts--Fees: RCW 19.16.500.

Taxation, exemptions: RCW 84.36.020.

---



**RCW 68.52.200****Right of eminent domain.**

The taking and damaging of property or rights therein by any cemetery district to carry out the purposes of its creation, are hereby declared to be for a public use, and any such district shall have and exercise the power of **eminent domain** to acquire any property or rights therein, either inside or outside the district for the use of such district. In exercising the power of **eminent domain**, a district shall proceed in the manner provided by law for the appropriation of real property or rights therein by private corporations. It may at its option unite in a single action proceedings to condemn property held by separate owners. Two or more condemnation suits instituted separately may also in the discretion of the court be consolidated upon motion of any interested party into a single action. In such cases the jury shall render separate verdicts for each tract of land in different ownership. No finding of the jury or decree of the court as to damages in any condemnation suit instituted by the district shall be held or construed to destroy the right of the district to levy and collect taxes for any and all district purposes against the uncondemned land situated within the district.

[1947 c 6 § 12; Rem. Supp. 1947 § 3778-161. Formerly RCW 68.16.120.]

**NOTES:**

**Eminent domain:** State Constitution Art. 1 § 16 (Amendment 9).

**Eminent domain** by corporations: Chapter 8.20 RCW.

**RCW 68.52.210****Power to do cemetery business -- District boundaries may include cities and towns -- Eminent domain exception.**

(1) A cemetery district organized under this chapter shall have power to acquire, establish, maintain, manage, improve and operate cemeteries and conduct any and all of the businesses of a cemetery as defined in this title. A cemetery district shall constitute a cemetery authority as defined in this title and shall have and exercise all powers conferred thereby upon a cemetery authority and be subject to the provisions thereof.

(2) A cemetery district may include within its boundaries the lands embraced within the corporate limits of any incorporated city or town and in any such cases the district may acquire any cemetery or cemeteries theretofore maintained and operated by any such city or town and proceed to maintain, manage, improve and operate the same under the provisions hereof. In such event the governing body of the city or town, after the transfer takes place, shall levy no cemetery tax. The power of **eminent domain** heretofore conferred shall not extend to the condemnation of existing cemeteries within the district: PROVIDED, That no cemetery district shall operate a cemetery within the corporate limits of any city or town where there is a private cemetery operated for profit.

[2006 c 335 § 1; 1994 c 81 § 82; 1971 c 19 § 2; 1959 c 23 § 2; 1957 c 39 § 1; 1947 c 6 § 13; Rem. Supp. 1947 § 3778-162. Formerly RCW 68.16.130.]

**RCW 70.44.060****Powers and duties.**

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of **eminent domain** to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of **eminent domain** shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of **eminent domain** by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of **eminent domain** and the power of condemnation against any health care facility.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended; (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 and 70.44.130, as may hereafter be amended; or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. General obligation bonds shall be issued and sold in accordance with chapter 39.46

RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed fifty cents per thousand dollars of assessed value, and an additional annual tax on all taxable property within such public hospital district not to exceed twenty-five cents per thousand dollars of assessed value, or such further amount as has been or shall be authorized by a vote of the people. Although public hospital districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the limitation provided for in chapter 84.55 RCW. Public hospital districts are authorized to levy such a general tax in excess of their regular property taxes when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition or propositions to levy taxes in excess of its regular property taxes. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first day of November. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks, at least one time each week, in a newspaper printed and of general circulation in said county. On or before the fifteenth day of November the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians or other health care practitioners who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, which expenses may include expenses incurred by family members accompanying the candidate, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make all contracts useful or necessary to carry out the provisions of this chapter, including, but not limited to, (a) contracts with private or public institutions for employee retirement programs, and (b) contracts with current or prospective employees, physicians, or other health care

practitioners providing for the payment or reimbursement by the public hospital district of health care training or education expenses, including but not limited to debt obligations, incurred by current or prospective employees, physicians, or other health care practitioners in return for their agreement to provide services beneficial to the public hospital district; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter.

[2003 c 125 § 1; 2001 c 76 § 1; 1997 c 3 § 206 (Referendum Bill No. 47, approved November 4, 1997); 1990 c 234 § 2; 1984 c 186 § 59; 1983 c 167 § 172; 1982 c 84 § 15; 1979 ex.s. c 155 § 1; 1979 ex.s. c 143 § 4; 1977 ex.s. c 211 § 1; 1974 ex.s. c 165 § 2; 1973 1st ex.s. c 195 § 83; 1971 ex.s. c 218 § 2; 1970 ex.s. c 56 § 85; 1969 ex.s. c 65 § 1; 1967 c 164 § 7; 1965 c 157 § 2; 1949 c 197 § 18; 1945 c 264 § 6; Rem. Supp. 1949 § 6090-35.]

## NOTES:

**Intent -- 1997 c 3 §§ 201-207:** See note following RCW 84.55.010.

**Application -- Severability -- Part headings not law -- Referral to electorate -- 1997 c 3:** See notes following RCW 84.40.030.

**Purpose -- 1984 c 186:** See note following RCW 39.46.110.

**Liberal construction -- Severability -- 1983 c 167:** See RCW 39.46.010 and note following.

**Severability -- 1979 ex.s. c 155:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 155 § 3.]

**Severability -- 1979 ex.s. c 143:** See note following RCW 70.44.200.

**Severability -- Effective dates and termination dates -- Construction -- 1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

**Purpose -- 1970 ex.s. c 56:** See note following RCW 39.52.020.

**Purpose -- Severability -- 1967 c 164:** See notes following RCW 4.96.010.

## Eminent domain

by cities: Chapter 8.12 RCW.

generally: State Constitution Art. 1 § 16.

Limitation on levies: State Constitution Art. 7 § 2; RCW 84.52.050.

Port districts, collection of taxes: RCW 53.36.020.

Tortious conduct of political subdivisions, municipal corporations and quasi-municipal corporations, liability for damages: Chapter 4.96 RCW.

## RCW 74.39A.280

### Powers.

In carrying out its duties under chapter 3, Laws of 2002, the authority may:

(1) Make and execute contracts and all other instruments necessary or convenient for the performance of its duties or exercise of its powers, including contracts with public and private agencies, organizations, corporations, and individuals to pay them for services rendered or furnished;

(2) Offer and provide recruitment, training, and referral services to providers of long-term in-home care services other than individual providers and prospective individual providers, for a fee to be determined by the authority;

(3) Issue rules under the administrative procedure act, chapter 34.05 RCW, as necessary for the purpose and policies of chapter 3, Laws of 2002;

(4) Establish offices, employ and discharge employees, agents, and contractors as necessary, and prescribe their duties and powers and fix their compensation, incur expenses, and create such liabilities as are reasonable and proper for the administration of chapter 3, Laws of 2002;

(5) Solicit and accept for use any grant of money, services, or property from the federal government, the state, or any political subdivision or agency thereof, including federal matching funds under Title XIX of the federal social security act, and do all things necessary to cooperate with the federal government, the state, or any political subdivision or agency thereof in making an application for any grant;

(6) Coordinate its activities and cooperate with similar agencies in other states;

(7) Establish technical advisory committees to assist the board;

(8) Keep records and engage in research and the gathering of relevant statistics;

(9) Acquire, hold, or dispose of real or personal property or any interest therein, and construct, lease, or otherwise provide facilities for the activities conducted under this chapter, provided that the authority may not exercise any power of **eminent domain**;

(10) Sue and be sued in its own name;

(11) Delegate to the appropriate persons the power to execute contracts and other instruments on its behalf and delegate any of its powers and duties if consistent with the purposes of this chapter; and

(12) Do other acts necessary or convenient to execute the powers expressly granted to it.

[2002 c 3 § 7 (Initiative Measure No. 775, approved November 6, 2001).]

#### NOTES:

**Findings--Captions not law--Severability -- 2002 c 3 (Initiative Measure No. 775):** See RCW 74.39A.220 and notes following.

#### RCW 76.13.120

#### **Findings -- Definitions -- Forestry riparian easement program.**

(1) The legislature finds that the state should acquire easements along riparian and other sensitive aquatic areas from small forest landowners willing to sell or donate such easements to the state provided

that the state will not be required to acquire such easements if they are subject to unacceptable liabilities. The legislature therefore establishes a forestry riparian easement program.

(2) The definitions in this subsection apply throughout this section and RCW 76.13.100 and 76.13.110 unless the context clearly requires otherwise.

(a) "Forestry riparian easement" means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(b) "Qualifying timber" means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under the rules adopted under RCW 76.09.055 and 76.09.370 or that is made uneconomic to harvest by those rules, and for which the small landowner is willing to grant the state a forestry riparian easement. "Qualifying timber" is timber within or bordering a commercially reasonable harvest unit as determined under rules adopted by the forest practices board, or timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules.

(c) "Small forest landowner" means a landowner meeting all of the following characteristics: (i) A forest landowner as defined in RCW 76.09.020 whose interest in the land and timber is in fee or who has rights to the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is submitted; (ii) an entity that has harvested from its own lands in this state during the three years prior to the year of application an average timber volume that would qualify the owner as a small harvester under RCW 84.33.035; and (iii) an entity that certifies at the time of application that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.035 during the ten years following application. If a landowner's prior three-year average harvest exceeds the limit of RCW 84.33.035, or the landowner expects to exceed this limit during the ten years following application, and that landowner establishes to the department of natural resources' reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary medical expenses, the landowner shall be deemed to be a small forest landowner.

For purposes of determining whether a person qualifies as a small forest landowner, the small forest landowner office, created in RCW 76.13.110, shall evaluate the landowner under this definition, pursuant to RCW 76.13.160, as of the date that the forest practices application is submitted or the date the landowner notifies the department that the harvest is to begin with which the forestry riparian easement is associated. A small forest landowner can include an individual, partnership, corporate, or other nongovernmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section. If a landowner is unable to obtain an approved forest practices application for timber harvest for any of his or her land because of restrictions under the forest practices rules, the landowner may still qualify as a small forest landowner under this section.

(d) "Completion of harvest" means that the trees have been harvested from an area and that further entry into that area by mechanized logging or slash treating equipment is not expected.

(3) The department of natural resources is authorized and directed to accept and hold in the name of the state of Washington forestry riparian easements granted by small forest landowners covering qualifying timber and to pay compensation to such landowners in accordance with subsections (6) and (7) of this section. The department of natural resources may not transfer the easements to any entity other than another state agency.

(4) Forestry riparian easements shall be effective for fifty years from the date the forest practices application associated with the qualifying timber is submitted to the department of natural resources, unless the easement is terminated earlier by the department of natural resources voluntarily, based on a determination that termination is in the best interest of the state, or under the terms of a termination clause in the easement.

(5) Forestry riparian easements shall be restrictive only, and shall preserve all lawful uses of the easement premises by the landowner that are consistent with the terms of the easement and the requirement to protect riparian functions during the term of the easement, subject to the restriction that the leave trees required by the rules to be left on the easement premises may not be cut during the term of the easement. No right of public access to or across, or any public use of the easement premises is created by this statute or by the easement. Forestry riparian easements shall not be deemed to trigger the compensating tax of or otherwise disqualify land from being taxed under chapter 84.33 or 84.34 RCW.

(6) Upon application of a small forest landowner for a riparian easement that is associated with a forest practices application and the landowner's marking of the qualifying timber on the qualifying lands, the small forest landowner office shall determine the compensation to be offered to the small forest landowner as provided for in this section. The small forest landowner office shall also determine the compensation to be offered to a small forest landowner for qualifying timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules. The legislature recognizes that there is not readily available market transaction evidence of value for easements of this nature, and thus establishes the following methodology to ascertain the value for forestry riparian easements. Values so determined shall not be considered competent evidence of value for any other purpose.

The small forest landowner office shall establish the volume of the qualifying timber. Based on that volume and using data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091, the small forest landowner office shall attempt to determine the fair market value of the qualifying timber as of the date the forest practices application associated with the qualifying timber was submitted or the date the landowner notifies the department that the harvest is to begin. Removal of any qualifying timber before the expiration of the easement must be in accordance with the forest practices rules and the terms of the easement. There shall be no reduction in compensation for reentry.

(7) Except as provided in subsection (8) of this section, the small forest landowner office shall, subject to available funding, offer compensation to the small forest landowner in the amount of fifty percent of the value determined in subsection (6) of this section, plus the compliance and reimbursement costs as determined in accordance with RCW 76.13.140. If the landowner accepts the offer for qualifying timber that will be harvested pursuant to an approved forest practices application, the department of natural resources shall pay the compensation promptly upon (a) completion of harvest in the area covered by the forestry riparian easement; (b) verification that there has been compliance with the rules requiring leave trees in the easement area; and (c) execution and delivery of the easement to the department of natural resources. If the landowner accepts the offer for qualifying timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules, the department of natural resources shall pay the compensation promptly upon (i) verification that there has been compliance with the rules requiring leave trees in the easement area; and (ii) execution and delivery of the easement to the department of natural resources. Upon donation or payment of compensation, the department of natural resources may record the easement.

(8) For approved forest practices applications where the regulatory impact is greater than the average percentage impact for all small landowners as determined by the department of natural resources

analysis under the regulatory fairness act, chapter 19.85 RCW, the compensation offered will be increased to one hundred percent for that portion of the regulatory impact that is in excess of the average. Regulatory impact includes trees left in buffers, special management zones, and those rendered uneconomic to harvest by these rules. A separate average or high impact regulatory threshold shall be established for western and eastern Washington. Criteria for these measurements and payments shall be established by the small forest landowner office.

(9) The forest practices board shall adopt rules under the administrative procedure act, chapter 34.05 RCW, to implement the forestry riparian easement program, including the following:

(a) A standard version or versions of all documents necessary or advisable to create the forestry riparian easements as provided for in this section;

(b) Standards for descriptions of the easement premises with a degree of precision that is reasonable in relation to the values involved;

(c) Methods and standards for cruises and valuation of forestry riparian easements for purposes of establishing the compensation. The department of natural resources shall perform the timber cruises of forestry riparian easements required under this chapter and chapter 76.09 RCW. Any rules concerning the methods and standards for valuations of forestry riparian easements shall apply only to the department of natural resources, small forest landowners, and the small forest landowner office;

(d) A method to determine that a forest practices application involves a commercially reasonable harvest, and adopt criteria for entering into a forest riparian easement where a commercially reasonable harvest is not possible or a forest practices application that has been submitted cannot be approved because of restrictions under the forest practices rules;

(e) A method to address blowdown of qualified timber falling outside the easement premises;

(f) A formula for sharing of proceeds in relation to the acquisition of qualified timber covered by an easement through the exercise or threats of **eminent domain** by a federal or state agency with **eminent domain** authority, based on the present value of the department of natural resources' and the landowner's relative interests in the qualified timber;

(g) High impact regulatory thresholds;

(h) A method to determine timber that is qualifying timber because it is rendered uneconomic to harvest by the rules adopted under RCW 76.09.055 and 76.09.370; and

(i) A method for internal department of natural resources review of small forest landowner office compensation decisions under subsection (7) of this section.

[2004 c 102 § 1; 2002 c 120 § 2; 2001 c 280 § 2; 2000 c 11 § 13; 1999 sp.s. c 4 § 504.]

## NOTES:

**Part headings not law -- 1999 sp.s. c 4:** See note following RCW 77.85.180.

---

### Chapter 78.04 RCW MINING CORPORATIONS



## RCW SECTIONS

78.04.010 Right of **eminent domain**.

78.04.015 Right of entry.

78.04.020 Manner of exercising right of **eminent domain**.

78.04.030 No stock subscription necessary.

78.04.040 Right of stockholder to enter and examine property.

78.04.050 Penalty for violations under RCW 78.04.040.

---

### RCW 78.04.010

#### Right of eminent domain.

The right of **eminent domain** is hereby extended to all corporations incorporated or that may hereafter be incorporated under the laws of this state or any state or territory of the United States, and doing business in this state, for the purpose of acquiring, owning or operating mines, mills or reduction works, or mining or milling gold and silver or other minerals, which may desire to erect and operate surface tramways or elevated cable tramways for the purpose of carrying, conveying or transporting the products of such mines, mills or reduction works.

[1897 c 60 § 1; RRS § 8608. FORMER PART OF SECTION: 1897 c 60 § 2; RRS § 8609 now codified as RCW 78.04.015.]

#### NOTES:

Water rights -- Appropriation for industrial (mining) purposes: RCW 90.16.020 and 90.16.030.

---

**RCW 78.04.020****Manner of exercising right of eminent domain.**

Every such corporation shall have the right to appropriate real estate or other property for right of way in the same manner and under the same procedure as now is or may be hereafter provided by the law in the case of other corporations authorized by the laws of this state to exercise the right of **eminent domain**.

[1897 c 60 § 3; RRS § 8610.]

**NOTES:**

**Eminent domain** by corporations: Chapter 8.20 RCW.

**RCW 79.19.030****Exchange or sale of property held in land bank.**

The department, with the approval of the board, may:

(1) Exchange property held in the land bank for any other lands of equal value administered by the department, including any lands held in trust.

(2) Exchange property held in the land bank for property of equal or greater value which is owned publicly or privately, and which has greater potential for natural resource or income production or which could be more efficiently managed by the department, however, no power of **eminent domain** is hereby granted to the department; and

(3) Sell property held in the land bank in the manner provided by law for the sale of state lands without any requirement of platting and to use the proceeds to acquire property for the land bank which has greater potential for natural resource or income production or which would be more efficiently managed by the department.

[2004 c 199 § 215; 2003 c 334 § 527; 1984 c 222 § 3; 1977 ex.s. c 109 § 3. Formerly RCW 79.66.030.]

**NOTES:**

**Part headings not law -- 2004 c 199:** See note following RCW 79.02.010.

**Intent -- 2003 c 334:** See note following RCW 79.02.010.

**RCW 79.36.320****Condemnation -- Duty of attorney general.**

The attorney general of the state of Washington is hereby required and authorized to condemn said property interests found to be necessary for the public purposes of the state of Washington, as provided in RCW 79.36.310, and upon being furnished with a certified copy of the resolution of the department, describing said property interests found to be necessary for the purposes set forth in RCW 79.36.310, the attorney general shall immediately take steps to acquire said property interests by exercising the state's right of **eminent domain** under the provisions of chapter 8.04 RCW, and in any condemnation action herein authorized, the resolution so describing the property interests found to be necessary for the purposes set forth above shall, in the absence of a showing of bad faith, arbitrary, capricious, or

fraudulent action, be conclusive as to the public use and real necessity for the acquisition of said property interests for a public purpose, and said property interests shall be awarded to the state without the necessity of either pleading or proving that the department was unable to agree with the owner or owners of said private property interest for its purchase. Any condemnation action herein authorized shall have precedence over all actions, except criminal actions, and shall be summarily tried and disposed of.

[2003 c 334 § 227; 1963 c 140 § 2; 1945 c 239 § 2; Rem. Supp. 1945 § 5823-31. Formerly RCW 76.16.020.]

## NOTES:

**Intent -- 2003 c 334:** See note following RCW 79.02.010.

---

### Chapter 79.44 RCW ASSESSMENTS AND CHARGES AGAINST LANDS OF THE STATE

## RCW SECTIONS

79.44.003 "Assessing district" defined.

79.44.004 "Assessment" defined.

79.44.010 Lands subject to local assessments.

79.44.020 State to be charged its proportion of cost -- Construction of chapter.

79.44.030 Apportioning cost on leaseholds.

79.44.040 Notice to state of intention to improve, or impose assessment -- Consent -- Notice to port commission.

79.44.050 Certification of roll -- Penalties, interest.

79.44.060 Payment procedure -- Lands not subject to lien, exception.

79.44.070 Enforcement against lessee or contract holder.

79.44.080 Foreclosure against leasehold or contract interest -- Cancellation of lease or contract.

79.44.090 Payment by state after forfeiture of lease or contract.

79.44.095 Assessments paid by state to be added to purchase price of land.

79.44.100 Assignment of lease or contract to purchaser at foreclosure sale.

79.44.120 When assessments need not be added in certain cases.

79.44.130 Local provisions superseded.

79.44.140 Application of chapter -- **Eminent domain** assessments.

79.44.190 Acquisition of property by state or political subdivision which is subject to unpaid assessments or delinquencies -- Payment of lien or installments.

79.44.900 Severability -- 1963 c 20.

## NOTES:

Diking, drainage and sewerage improvement district assessments: RCW 85.08.370.

Diking and drainage district assessments: RCW 85.05.390.

Flood control district assessments: RCW 86.09.523, 86.09.526, 86.09.529.

Intercounty diking and drainage district assessments: RCW 85.24.275.

Irrigation district assessments: RCW 87.03.025.

Special benefit assessments for farm and agricultural land or timber land: RCW 84.34.300 through 84.34.390.

## **RCW 79.44.140**

### **Application of chapter -- Eminent domain assessments.**

The provisions of this chapter shall apply to all local improvements initiated after June 11, 1919, including assessments to pay the cost and expense of taking and damaging property by the power of **eminent domain**, as provided by law: PROVIDED, That in case of **eminent domain** assessments, it shall not be necessary to forward notice of the intention to make such improvement, but the **eminent domain** commissioners, authorized to make such assessment, shall, at the time of filing the assessment roll with the court in the manner provided by law, forward by registered or certified mail to the chief administrative officer of the agency using, occupying or having jurisdiction over the lands a notice of such assessment, and of the day fixed by the court for the hearing thereof: PROVIDED, That no assessment against the state's interest in tidelands or harbor areas shall be binding against the state if the commissioner of public lands shall file a disapproval of the same in court before judgment confirming the roll.

[2002 c 260 § 6; 1979 c 151 § 182; 1963 c 20 § 12; 1919 c 164 § 12; RRS § 8136.]

## **RCW 79.70.030**

### **Powers of department.**

In order to set aside, preserve, and protect natural areas within the state, the department is authorized, in addition to any other powers, to:

- (1) Establish the criteria for selection, acquisition, management, protection, and use of such natural areas, including:
  - (a) Limiting public access to natural area preserves consistent with the purposes of this chapter. Where appropriate, and on a case-by-case basis, a buffer zone with an increased low level of public access may be created around the environmentally sensitive areas;
  - (b) Developing a management plan for each designated natural area preserve. The plan must identify the significant resources to be conserved consistent with the purposes of this chapter and identify the areas with potential for low-impact public and environmental educational uses. The plan must specify the types of management activities and public uses that are permitted, consistent with the purposes of this chapter. The department must make the plans available for review and comment by the public, and state, tribal, and local agencies, prior to final approval;

(2) Cooperate or contract with any federal, state, or local governmental agency, private organizations, or individuals in carrying out the purpose of this chapter;

(3) Consistent with the plan, acquire by gift, devise, purchase, grant, dedication, or means other than **eminent domain**, the fee or any lesser right or interest in real property which shall be held and managed as a natural area;

(4) Acquire by gift, devise, grant, or donation any personal property to be used in the acquisition and/or management of natural areas;

(5) Inventory existing public, state, and private lands in cooperation with the council to assess possible natural areas to be preserved within the state;

(6) Maintain a natural heritage program to provide assistance in the selection and nomination of areas containing natural heritage resources for registration or dedication. The program shall maintain a classification of natural heritage resources, an inventory of their locations, and a data bank for such information. The department shall cooperate with the department of fish and wildlife in the selection and nomination of areas from the data bank that relate to critical wildlife habitats. Information from the data bank shall be made available to public and private agencies and individuals for environmental assessment and proprietary land management purposes. Usage of the classification, inventory, or data bank of natural heritage resources for any purpose inconsistent with the natural heritage program is not authorized;

(7) Prepare a natural heritage plan which shall govern the natural heritage program in the conduct of activities to create and manage a system of natural areas that includes natural resources conservation areas, and may include areas designated under the research natural area program on federal lands in the state;

(a) The plan shall list the natural heritage resources to be considered for registration and shall provide criteria for the selection and approval of natural areas under this chapter;

(b) The department shall provide opportunities for input, comment, and review to the public, other public agencies, and private groups with special interests in natural heritage resources during preparation of the plan;

(c) Upon approval by the council and adoption by the department, the plan shall be updated and submitted biennially to the appropriate committees of the legislature for their information and review. The plan shall take effect ninety days after the adjournment of the legislative session in which it is submitted unless the reviewing committees suggest changes or reject the plan; and

(8) Maintain a state register of natural areas containing significant natural heritage resources to be called the Washington register of natural area preserves. Selection of natural areas for registration shall be in accordance with criteria listed in the natural heritage plan and accomplished through voluntary agreement between the owner of the natural area and the department. No privately owned lands may be proposed to the council for registration without prior notice to the owner or registered without voluntary consent of the owner. No state or local governmental agency may require such consent as a condition of any permit or approval of or settlement of any civil or criminal proceeding or to penalize any landowner in any way for failure to give, or for withdrawal of, such consent.

(a) The department shall adopt rules as authorized by RCW 43.12.065 and 79.70.030(1) and chapter 34.05 RCW relating to voluntary natural area registration.

(b) After approval by the council, the department may place sites onto the register or remove sites from the register.

(c) The responsibility for management of registered natural area preserves shall be with the preserve owner. A voluntary management agreement may be developed between the department and the owners of the sites on the register.

(d) Any public agency may register lands under provisions of this chapter.

[2003 c 334 § 549; 2002 c 284 § 1; 1994 c 264 § 61; 1988 c 36 § 54; 1981 c 189 § 3; 1972 ex.s. c 119 § 3.]

## NOTES:

**Intent -- 2003 c 334:** See note following RCW 79.02.010.

### RCW 79.71.040

#### Acquisition of property for natural resources conservation areas -- Designation.

The department is authorized to acquire property or less than fee interests in property, as defined by RCW 64.04.130, by all means, except **eminent domain**, for creating natural resources conservation areas, where acquisition is the best way to achieve the purposes of this chapter. Areas acquired or assembled by the department for conservation purposes will be designated as "Washington natural resources conservation areas."

[1987 c 472 § 4.]

## Chapter 79.110 RCW

### AQUATIC LANDS -- EASEMENTS AND RIGHTS OF WAY

#### RCW SECTIONS

79.110.001 Intent -- 2005 c 155.

#### EASEMENTS FOR REMOVAL OF VALUABLE MATERIALS

79.110.010 Certain aquatic lands subject to easements for removal of valuable materials.

79.110.020 Certain aquatic lands subject to easements for removal of valuable materials -- Private easements subject to common use in removal of valuable materials.

79.110.030 Certain state and aquatic lands subject to easements for removal of valuable materials -- Reasonable facilities and service for transporting must be furnished.

79.110.040 Certain state and aquatic lands subject to easements for removal of valuable materials -- Duty of utilities and transportation commission.

79.110.050 Certain state and aquatic lands subject to easements for removal of valuable materials -- Penalty for violation of orders.

79.110.060 Certain state and aquatic lands subject to easements for removal of valuable materials -- Application for right of way.

79.110.070 Certain state and aquatic lands subject to easements for removal of valuable materials -- Forfeiture for nonuser.

#### RIGHTS OF WAY FOR ROADS, BRIDGES, AND TRESTLES

79.110.100 United States of America, state agency, county, or city right of way for roads and streets over, and wharves over and upon aquatic lands.

79.110.110 Railroad bridge rights of way across navigable streams.

79.110.120 Public bridges or trestles across waterways and aquatic lands -- Recovery of reasonable direct administrative costs -- Report to the legislature.

79.110.130 Common carriers may bridge or trestle state waterways.

79.110.140 Location and plans of bridge or trestle to be approved -- Future alterations.

#### RIGHTS OF WAY FOR UTILITY LINES

79.110.200 Right of way for utility pipelines, transmission lines, etc.

79.110.210 Right of way for utility pipelines, transmission lines, etc. -- Procedure to acquire.

79.110.220 Right of way for utility pipelines, transmission lines, etc. -- Appraisal -- Certificate -- Reversion for nonuser.

79.110.230 Use of state-owned aquatic lands for public utility lines.

79.110.240 Charge for term of easement -- Recovery of costs.

#### RIGHTS OF WAY FOR IRRIGATION, DIKING, AND DRAINAGE/OVERFLOW RIGHTS

79.110.300 Right of way for irrigation, diking, and drainage purposes.

79.110.310 Right of way for irrigation, diking, and drainage purposes -- Procedure to acquire.

79.110.320 Right of way for irrigation, diking, and drainage purposes -- Appraisal -- Certificate.

79.110.330 Grant of overflow rights.

79.110.340 Construction of RCW 79.110.010 through 79.110.220 and 79.110.240 through 79.110.330 relating to rights of way and overflow rights.

79.110.350 Grant of such easements and rights of way as applicant may acquire in private lands by **eminent domain**.

79.110.900 Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21.

79.110.901 Severability -- Part/subchapter headings not law -- 2005 c 155.

#### **RCW 79.110.350**

**Grant of such easements and rights of way as applicant may acquire in private lands by eminent domain.**

The department may grant to any person easements and rights in tidelands and shorelands and oyster reserves owned by the state as the applicant may acquire in privately or publicly owned lands through proceedings in **eminent domain** in accordance with the provisions of RCW 79.36.355.

[2005 c 155 § 222; 2003 c 334 § 614; 1982 1st ex.s. c 21 § 68. Formerly RCW 79.91.210.]

#### **NOTES:**

**Intent -- 2003 c 334:** See note following RCW 79.02.010.

## **RCW 79.130.070**

### **Exchange of bedlands -- Cowlitz river.**

(1) The department is authorized to exchange bedlands abandoned through rechanneling of the Cowlitz river near the confluence of the Columbia river so that the state obtains clear title to the Cowlitz river as it now exists or where it may exist in the future through the processes of erosion and accretion.

(2) The department is also authorized to exchange bedlands and enter into boundary line agreements to resolve any disputes that may arise over the location of state-owned lands now comprising the dike that was created in the 1920s.

(3) For purposes of chapter 150, Laws of 2001, "Cowlitz river near the confluence of the Columbia river" means those tidelands and bedlands of the Cowlitz river fronting and abutting sections 10, 11, and 14, township 7 north, range 2 west, Willamette Meridian and fronting and abutting the Huntington Donation Land Claim No. 47 and the Blakeny Donation Land Claim No. 43, township 7 north, range 2 west, Willamette Meridian.

(4) Nothing in chapter 150, Laws of 2001 shall be deemed to convey to the department the power of **eminent domain**.

[2003 c 334 § 454; 2001 c 150 § 2. Formerly RCW 79.90.458, 79.08.260.]

### **NOTES:**

**Intent -- 2003 c 334:** See note following RCW 79.02.010.

**Findings -- 2001 c 150:** "(1) The legislature finds that in the 1920s the Cowlitz river near the confluence of the Columbia river in Longview, Washington was diverted from its original course by dredging and construction of a dike. As a result, a portion of the original bed of the Cowlitz river became a nonnavigable body of shallow water. Another portion of the original bed of the Cowlitz river became part of a dike and is indistinguishable from existing islands. The main channel of the Cowlitz river was diverted over uplands to the south of the original bed and has continued as a navigable channel.

(2) The legislature finds that continued ownership of the nonnavigable portion of the original bed of the Cowlitz river near the confluence of the Columbia river no longer serves the state's interest in navigation. Ownership of the existing navigable bed of the Cowlitz river would better serve the state's interest in navigation. It is also in the state's interest to resolve any disputes that have arisen because state-owned land is now indistinguishable from privately owned land within the dike." [2001 c 150 § 1.]

**Severability -- 2001 c 150:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2001 c 150 § 3.]

## **Chapter 79A.05 RCW PARKS AND RECREATION COMMISSION**

### **RCW SECTIONS**



- 79A.05.010 Definitions.
- 79A.05.015 Commission created -- Composition -- Compensation and expenses.
- 79A.05.020 Duties of commission.
- 79A.05.025 Chair -- Meetings -- Quorum.
- 79A.05.030 Powers and duties -- Mandatory.
- 79A.05.035 Additional powers and duties.
- 79A.05.040 Director's duties.
- 79A.05.045 Waste reduction and recycling.
- 79A.05.050 Community restitution for littering in state parks -- Policy and procedures.
- 79A.05.055 Additional powers and duties.
- 79A.05.059 State parks education and enhancement account.
- 79A.05.060 Parks improvement account--Transfers to state parks renewal and stewardship account.
- 79A.05.065 Park passes -- Eligibility.
- 79A.05.070 Further powers -- Director of parks and recreation -- Salaries.
- 79A.05.075 Delegation of commission's powers and duties to director.
- 79A.05.080 Lease of park lands for television stations.
- 79A.05.085 Lease of park lands for television stations -- Lease rental rates, terms -- Attachment of antennae.
- 79A.05.090 Exemption of persons over sixty-five from fees for collection in state parks of wood debris for personal use.
- 79A.05.095 Donations of land for park purposes.
- 79A.05.100 Bequests and donations of money.
- 79A.05.105 Withdrawal of granted lands on public highways.
- 79A.05.110 Withdrawal of other lands -- Exchange for lands on highway.
- 79A.05.115 Cross-state trail facility.
- 79A.05.120 Cross-state trail -- Transfer of lands in Milwaukee Road corridor.
- 79A.05.125 Cross-state trail -- Rail line franchise negotiations by department of transportation.
- 79A.05.130 Cross-state trail account -- Land acquisition -- Rules describing trail.
- 79A.05.135 Dedication as parks and parkways.
- 79A.05.140 Permits for improvement of parks -- Limitations.
- 79A.05.145 Application for permit.
- 79A.05.150 Plans and specifications.
- 79A.05.155 Surety bond.
- 79A.05.160 Police powers vested in commission and employees.
- 79A.05.165 Penalties.
- 79A.05.170 Transfer of surplus land -- Reversionary clause required -- Release -- Parkland acquisition

account.

- 79A.05.175 Disposal of land not needed for park purposes.
- 79A.05.178 Real property disposal -- Disputed land -- Manner -- Notice and hearing -- Suit for noncompliance.
- 79A.05.180 Exchange of state land by commission -- Public notice -- News release -- Hearing -- Procedure.
- 79A.05.185 Small boat facilities for Puget Sound authorized.
- 79A.05.190 Recreational metal detectors--Available land.
- 79A.05.195 Identification of historic archaeological resources in state parks--Plan--Availability of land for use by recreational metal detectors.
- 79A.05.200 Certain tidelands transferred to commission.
- 79A.05.205 Certain tidelands transferred to commission -- Access to and from tidelands.
- 79A.05.210 Sale of state trust lands -- Terms and conditions.
- 79A.05.215 State parks renewal and stewardship account.
- 79A.05.220 Trust lands -- Periodic review to identify parcels appropriate for transfer to commission.
- 79A.05.225 Winter recreational facilities -- Commission duties -- Liability.
- 79A.05.230 Winter recreational area parking permits -- Fee -- Expiration.
- 79A.05.235 Winter recreational program account -- Deposit of parking permit fees -- Winter recreation programs by public and private agencies.
- 79A.05.240 Winter recreational parking areas -- Restriction of overnight parking.
- 79A.05.245 Penalty for violation of RCW 79A.05.240 or 46.61.585.
- 79A.05.250 Winter recreational parking areas -- Rules.
- 79A.05.255 Winter recreation advisory committee -- Generally.
- 79A.05.260 Sun Lakes state park -- "Vic Meyers Golf Course" designation -- "Vic Meyers Lake" designation.
- 79A.05.265 Hostels -- Legislative declaration of intent.
- 79A.05.270 "Hostel" defined.
- 79A.05.275 Hostels -- Authority of political subdivisions to establish.
- 79A.05.280 Hostels -- Commission authorized to accept grants or moneys for the support thereof -- Rules required.
- 79A.05.285 Land evaluation, acquisition.
- 79A.05.290 Acquisition of land held by department of natural resources.
- 79A.05.300 Establishment of urban area state parks by parks and recreation commission.
- 79A.05.305 Declaration of policy -- Lands for public park purposes.
- 79A.05.310 Powers and duties -- Program of boating safety education -- Casualty and accident reporting program.
- 79A.05.315 Milwaukee Road corridor -- Transfer of management control to commission.

- 79A.05.320 Milwaukee Road corridor -- Duties.
- 79A.05.325 Milwaukee Road corridor -- Additional duties.
- 79A.05.330 Recreation trail on Milwaukee Road corridor.
- 79A.05.335 Environmental interpretation -- Authority of commission.
- 79A.05.340 Environmental interpretation -- Scope of activities.
- 79A.05.345 Environmental interpretation -- Assistance from other organizations.

#### UNDERWATER PARKS

- 79A.05.355 Underwater parks -- Lead agency.
- 79A.05.360 Underwater parks -- Authority to establish -- Powers and duties.
- 79A.05.370 Underwater parks -- Diverse recreational opportunity.
- 79A.05.375 Underwater parks -- Liability.

#### WATER TRAIL RECREATION PROGRAM

- 79A.05.380 Water trail recreation program -- Created.
- 79A.05.385 Water trail recreation program -- Powers and duties.
- 79A.05.390 Water trail recreation program -- Grants.
- 79A.05.395 Water trail recreation program -- Liability.
- 79A.05.400 Water trail recreation program -- Permits.
- 79A.05.410 Water trail recreation program -- Rules.
- 79A.05.415 Water trail recreation program -- Violation.
- 79A.05.425 Water trail recreation program -- Disposition of funds.

#### YOUTH DEVELOPMENT AND CONSERVATION CORPS

- 79A.05.500 Declaration of purpose.
- 79A.05.505 Youth development and conservation division established -- Supervisory personnel.
- 79A.05.510 Composition of youth corps -- Qualifications, conditions, period of enrollment, etc.
- 79A.05.515 Compensation -- Quarters -- Hospital services, etc.
- 79A.05.520 Laws relating to hours, conditions of employment, civil service, etc., not applicable.
- 79A.05.525 Expenditures, gifts, government surplus materials.
- 79A.05.530 Agreements with private persons to enroll additional people -- Commercial activities prohibited -- Authorized closures of area.
- 79A.05.535 Agreements with and acceptance of grants from federal government authorized.
- 79A.05.540 Agreements with and acceptance of grants from federal government authorized -- Length of enrollment and compensation in accordance with federal standards authorized.
- 79A.05.545 Conservation corps.

#### SEASHORE CONSERVATION AREA

- 79A.05.600 Declaration of principles.
- 79A.05.605 Seashore conservation area -- Established.

- 79A.05.610 Jurisdiction over and administration of area.
- 79A.05.615 Principles and purposes to be followed in administering area.
- 79A.05.620 Cooperation and assistance of federal, state, and local agencies.
- 79A.05.625 Powers and authority of department of fish and wildlife not interfered with.
- 79A.05.630 Sale, lease, and disposal of lands within the Seashore Conservation Area.
- 79A.05.635 Ocean beach recreation management plans -- Cooperative program.
- 79A.05.640 Definitions.
- 79A.05.645 Local recreation management plans.
- 79A.05.650 Reservation for pedestrian use -- Restrictions on motorized traffic.
- 79A.05.655 Areas reserved for pedestrian use -- Exception.
- 79A.05.660 Public vehicles.
- 79A.05.665 Land adjoining national wildlife refuges and state parks -- Pedestrian use -- Exception.
- 79A.05.670 Consultation with government agencies required.
- 79A.05.675 Compliance with federal and state laws required.
- 79A.05.680 Hearings.
- 79A.05.685 Adoption of plans -- Approval -- Procedure.
- 79A.05.688 Appeal.
- 79A.05.690 Cooperation for law enforcement.
- 79A.05.693 Ocean beaches in Seashore Conservation Area declared public highways.
- 79A.05.695 Amendments to plan -- Approval -- Procedure.

#### GREEN RIVER GORGE CONSERVATION AREA

- 79A.05.700 Declaration.
- 79A.05.705 Green River Gorge conservation area created.
- 79A.05.710 Acquisition of real property, easements, or rights authorized.
- 79A.05.715 Acquisition of real property, easements, or rights authorized -- Rights of other state agencies not to be infringed upon.

#### MOUNT SI CONSERVATION AREA

- 79A.05.725 Legislative declaration.
- 79A.05.730 "Mt. Si conservation area" -- Created.
- 79A.05.735 Mt. Si conservation area -- Management.
- 79A.05.740 Mt. Si conservation area -- Valuation of included lands.
- 79A.05.745 **Eminent domain** -- Use prohibited.

#### WASHINGTON STATE YAKIMA RIVER CONSERVATION AREA

- 79A.05.750 Legislative declaration.
- 79A.05.755 "Washington State Yakima river conservation area" -- Created.

- 79A.05.760 Yakima river conservation area -- Size prescribed.
- 79A.05.765 Yakima river conservation area -- Authority of Yakima county commissioners.
- 79A.05.770 Yakima river conservation area -- Land acquisition.
- 79A.05.775 Intent to preserve river wetlands in their natural state.
- 79A.05.780 Yakima river conservation area -- Consultation between commission and Yakima county commissioners.
- 79A.05.785 Yakima river conservation area -- Interagency committee for outdoor recreation directed to assist Yakima county commissioners.
- 79A.05.790 County or city zoning and/or permitted land uses not affected.
- 79A.05.793 Department of fish and wildlife, fish and wildlife commission -- Powers, duties, and authority -- No hunting in any state park.
- 79A.05.795 Acquisition of real property, etc., of another agency by Yakima county commissioners -- Agency approval required.
- 

#### **RCW 79A.05.130**

##### **Cross-state trail account -- Land acquisition -- Rules describing trail. (*Contingent expiration date.*)**

(1) The cross-state trail account is created in the custody of the state treasurer. Eleven million five hundred thousand dollars is provided to the state parks and recreation commission to acquire, construct, and maintain a cross-state trail. This amount may consist of: (a) Legislative appropriations intended for trail development; (b) payments for the purchase of federally granted trust lands; and (c) franchise fees derived from use of the rail corridor. The legislature intends that any amounts provided from the transportation fund are to be repaid to the transportation fund from franchise fees.

(2) The department shall deposit franchise fees from use of the rail corridor according to the following priority: (a) To the department of transportation for actual costs incurred in administering the franchise; (b) to the department of natural resources as compensation for use of federally granted trust lands in the rail corridor; (c) to the transportation fund to reimburse any amounts transferred or appropriated from that fund by the legislature for trail development; (d) to the cross-state trail account, not to exceed eleven million five hundred thousand dollars, provided that this amount shall be reduced proportionate with any funds transferred or appropriated by the 1996 legislature or paid from franchise fees for the purchase of federally granted trust lands or for trail development; and (e) the remainder to the essential rail assistance account, created under RCW 47.76.250. Expenditures from the cross-state trail account may be used only for the acquisition, development, operation, and maintenance of the cross-state trail. Only the director of the state parks and recreation commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The commission may acquire land from willing sellers for the cross-state trail, but not by **eminent domain**.

(4) The commission shall adopt rules describing the cross-state trail.

(5) This section expires July 1, 2009, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, 2009.

[2006 c 160 § 4; 1999 c 301 § 4; 1996 c 129 § 5. Formerly RCW 43.51.114.]

## NOTES:

**Effective date -- 1999 c 301:** See note following RCW 79A.05.115.

**Intent -- Effective date -- Severability -- 1996 c 129:** See notes following RCW 79A.05.115.

### RCW 79A.05.745

#### **Eminent domain -- Use prohibited.**

No property or interest in property shall be acquired for the purpose of chapter 306, Laws of 1977 ex. sess. by the exercise of the power of **eminent domain**.

[1977 ex.s. c 306 § 6. Formerly RCW 43.51.945.]

### RCW 79A.05.770

#### **Yakima river conservation area -- Land acquisition.**

The Yakima county commissioners are authorized to acquire such real property, easements or rights in river-related lands in the Yakima river conservation area, together with such real property, easements, and rights as are necessary for such conservation and parks purposes in any manner authorized by law for the acquisition of lands for conservation, parks and parkway purposes: PROVIDED, That only the Yakima county commissioners shall have the power of **eminent domain** for the purposes of this chapter.

[1977 ex.s. c 75 § 5. Formerly RCW 43.51.950.]

### RCW 79A.55.030

#### **Administration of management program -- Powers, duties, and authority of commission.**

(1) The management program for the system shall be administered by the commission. The commission shall have the responsibility for coordinating the development of the program between affected state agencies and participating local governments, and shall develop and adopt rules, in accord with chapter 34.05 RCW, the Administrative Procedure Act, for each portion of the system, which shall implement the management policies. In developing rules for a specific river in the system, the commission shall hold at least one public hearing in the general locale of the river under consideration. The hearing may constitute the hearing required by chapter 34.05 RCW. The commission shall cause a brief summary of the proposed rules to be published twice in a newspaper of general circulation in the area that includes the river to be considered in the period of time between two and four weeks prior to the public hearing. In addition to the foregoing required publication, the commission shall also provide notice of the hearings, rules, and decisions of the commission to radio and television stations and major local newspapers in the areas that include the river to be considered.

(2) In addition to any other powers granted to carry out the intent of this chapter, the commission is authorized to: (a) Purchase, within the river area, real property in fee or any lesser right or interest in real property including, but not limited to scenic easements and future development rights, visual corridors, wildlife habitats, unique ecological areas, historical sites, camping and picnic areas, boat launching sites,

and/or easements abutting the river for the purpose of preserving or enhancing the river or facilitating the use of the river by the public for fishing, boating and other water related activities; and (b) purchase, outside of a river area, public access to the river area.

The right of **eminent domain** shall not be utilized in any purchase made pursuant to this section.

(3) The commission is further authorized to: (a) Acquire by gift, devise, grant, or dedication the fee, an option to purchase, a right of first refusal or any other lesser right or interest in real property and upon acquisition such real property shall be held and managed within the scenic river system; and (b) accept grants, contributions, or funds from any agency, public or private, or individual for the purposes of this chapter.

(4) The commission is hereby vested with the power to obtain injunctions and other appropriate relief against violations of any provisions of this chapter and any rules adopted under this section or agreements made under the provisions of this chapter.

[1999 c 249 § 803; 1999 c 151 § 1703; 1989 c 175 § 169; 1977 ex.s. c 161 § 4. Formerly RCW 79.72.040.]

#### NOTES:

**Reviser's note:** This section was amended by 1999 c 151 § 1703 and by 1999 c 249 § 803, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Severability -- 1999 c 249:** See note following RCW 79A.05.010.

**Part headings not law -- Effective date -- 1999 c 151:** See notes following RCW 18.28.010.

**Effective date -- 1989 c 175:** See note following RCW 34.05.010.

---

## Chapter 80.28 RCW GAS, ELECTRICAL, AND WATER COMPANIES

### RCW SECTIONS

80.28.005 Definitions.

80.28.010 Duties as to rates, services, and facilities -- Limitations on termination of utility service for residential heating.

80.28.020 Commission to fix just, reasonable, and compensatory rates.

80.28.022 Water company rates -- Reserve account.

80.28.024 Legislative finding.

80.28.025 Encouragement of energy cogeneration, conservation, and production from renewable resources -- Consideration of water conservation goals.

80.28.030 Commission may order improved quality of commodity -- Water companies, board of health standards.

80.28.040 Commission may order improved service -- Water companies, noncompliance, receivership.

- 80.28.050 Tariff schedules to be filed with commission -- Public schedules.
- 80.28.060 Tariff changes -- Statutory notice -- Exception.
- 80.28.065 Tariff schedule -- Energy conservation -- Payment by successive property owners -- Notice -- Rules.
- 80.28.068 Rates -- Low-income customers.
- 80.28.070 Sliding scale of charges permitted.
- 80.28.074 Legislative declaration.
- 80.28.075 Banded rates -- Natural gas and electric services.
- 80.28.080 Published rates to be charged -- Exceptions.
- 80.28.090 Unreasonable preference prohibited.
- 80.28.100 Rate discrimination prohibited -- Exception.
- 80.28.110 Service to be furnished on reasonable notice.
- 80.28.120 Effect on existing contracts.
- 80.28.130 Repairs, improvements, changes, additions, or extensions may be directed.
- 80.28.140 Inspection of gas and water meters.
- 80.28.150 Inspection of electric meters.
- 80.28.160 Testing apparatus to be furnished.
- 80.28.170 Testing at consumer's request.
- 80.28.180 Rules and regulations.
- 80.28.185 Water companies within counties -- Commission may regulate.
- 80.28.190 Gas companies -- Certificate -- Violations -- Commission powers -- Penalty -- Fees.
- 80.28.200 Gas companies -- Refunds of charges.
- 80.28.205 Enforcement of federal laws covering gas pipeline safety -- Request for federal delegation of authority.
- 80.28.207 Commission inspection of records, maps, or written procedures.
- 80.28.210 Safety rules -- Pipeline transporters -- Penalty.
- 80.28.212 Safety rules -- Civil penalty for violation of RCW 80.28.210 or regulations issued thereunder -- Level of penalty -- Compromise -- Disposition of penalty.
- 80.28.215 Gas pipeline company duties after notice of excavation.
- 80.28.220 Gas companies -- Right of **eminent domain** -- Purposes.
- 80.28.230 Gas companies -- Use for purpose acquired exclusive -- Disposition of property.
- 80.28.240 Recovery of damages by utility company for tampering, unauthorized connections, diversion of services.
- 80.28.250 Water companies -- Fire hydrants.
- 80.28.260 Adoption of policies to provide financial incentives for energy efficiency programs.
- 80.28.270 Water companies -- Extension, installation, or connection charges.



- 80.28.275 Water companies -- Assumption of substandard water system -- Limited immunity from liability.
- 80.28.280 Compressed natural gas -- Motor vehicle refueling stations -- Public interest.
- 80.28.290 Compressed natural gas -- Refueling stations -- Identify barriers.
- 80.28.300 Gas, electrical companies authorized to provide customers with landscaping information and to request voluntary donations for urban forestry.
- 80.28.303 Conservation service tariff -- Contents of filing -- Rate base -- Duties of commission.
- 80.28.306 Conservation bonds -- Conservation investment assets as collateral -- Priority of security interests -- Transfers.
- 80.28.309 Costs as bondable conservation investment.
- 80.28.310 Tariff for irrigation pumping service -- Authority for electrical companies to buy back electricity.

#### NOTES:

Construction projects in state waters: Chapter 77.55 RCW.

Franchises on state highways: Chapter 47.44 RCW.

Reduced utility rates for low-income senior citizens and other low-income citizens: RCW 74.38.070.

---

#### **RCW 80.28.220**

##### **Gas companies -- Right of eminent domain -- Purposes.**

Every corporation having for one of its principal purposes the transmission, distribution, sale, or furnishing of natural gas or other type gas for light, heat, or power and holding and owning a certificate of public convenience and necessity from the utilities and transportation commission authorizing the operation of a gas plant, may appropriate, by condemnation, lands and property and interests therein, for the transmission, distribution, sale, or furnishing of such natural gas or other type gas through gas mains or pipelines under the provisions of chapter 8.20 RCW.

[1961 c 14 § 80.28.220. Prior: 1957 c 191 § 1.]

---

### **Chapter 80.32 RCW ELECTRIC FRANCHISES AND RIGHTS OF WAY**

#### **RCW SECTIONS**

- 80.32.010 Cities and counties may grant franchises -- Procedure -- Liability to restore road for travel.
- 80.32.040 Grant of franchise subject to referendum.
- 80.32.050 Sale or lease of plant and franchises.
- 80.32.060 **Eminent domain.**
- 80.32.070 Right of entry.

80.32.080 Duties of electrical companies exercising power of **eminent domain**.

80.32.090 Limitation on use of electricity.

80.32.100 Remedy for violations.

#### NOTES:

Franchises on state highways: Chapter 47.44 RCW.

#### **RCW 80.32.060**

##### **Eminent domain.**

Every corporation, incorporated or that may hereafter be incorporated under the laws of this state, or of any other state or territory of the United States, and doing business in this state, for the purpose of manufacturing or transmitting electric power, shall have the right to appropriate real estate and other property for right-of-way or for any corporate purpose, in the same manner and under the same procedure as now is or may hereafter be provided by law in the case of ordinary railroad corporations authorized by the laws of this state to exercise the right of **eminent domain**: PROVIDED, That such right of **eminent domain** shall not be exercised with respect to any public road or street until the location of the transmission line thereon has been authorized in accordance with RCW 80.32.010.

[1961 c 14 § 80.32.060. Prior: 1903 c 173 § 2; No RRS.]

#### NOTES:

**Eminent domain** by corporations generally: Chapter 8.20 RCW.

#### **RCW 80.32.080**

##### **Duties of electrical companies exercising power of eminent domain.**

Any corporation authorized to do business in this state, which, under the present laws of the state, is authorized to condemn property for the purpose of generating and transmitting electrical power for the operation of railroads or railways, or for municipal lighting, and which by its charter or articles of incorporation, assumes the additional right to sell electric power and electric light to private consumers outside the limits of a municipality and to sell electric power to private consumers within the limits of a municipality, which shall provide in its articles that in respect of the purposes mentioned in this section it will assume and undertake to the state and to the inhabitants thereof the duties and obligations of a public service corporation, shall be deemed to be in respect of such purposes a public service corporation, and shall be held to all the duties, obligations and control, which by law are or may be imposed upon public service corporations. Any such corporation shall have the right to sell electric light outside the limits of a municipality and electric power both inside and outside such limits to private consumers from the electricity generated and transmitted by it for public purposes and not needed by it therefor: PROVIDED, That such corporation shall furnish such excess power at equal rates, quantity and conditions considered, to all consumers alike, and shall supply it to the first applicants therefor until the amount available shall be exhausted: PROVIDED FURTHER, That no such corporation shall be obliged to furnish such excess power to any one consumer to an amount exceeding twenty-five percent of the total amount of such excess power generated or transmitted by it. In exercising the power of **eminent domain** for public purposes it shall not be an objection thereto that a portion of the electric current generated will be applied to private purposes, provided the principal uses intended are public: PROVIDED, That all public service or quasi public service corporations shall at no time sell, deliver and

dispose of electrical power in bulk to manufacturing concerns at the expense of its public service functions, and any person, firm or corporation that is a patron of such corporation as to such public function, shall have the right to apply to any court of competent jurisdiction to correct any violation of the provisions of RCW 80.32.080 through 80.32.100.

[1961 c 14 § 80.32.080. Prior: 1907 c 159 § 1; RRS § 5432.]

---

## Chapter 80.36 RCW TELECOMMUNICATIONS

### RCW SECTIONS

- 80.36.005 Definitions.
- 80.36.010 **Eminent domain.**
- 80.36.020 Right of entry.
- 80.36.030 Extent of appropriation.
- 80.36.040 Use of road, street, and railroad right-of-way -- When consent of city necessary.
- 80.36.050 Use of railroad right-of-way -- Penalty for refusal by railroad.
- 80.36.060 Liability for wilful injury to telecommunications property.
- 80.36.070 Liability for negligent injury to property -- Notice of underwater cable.
- 80.36.080 Rates, services, and facilities.
- 80.36.090 Service to be furnished on demand.
- 80.36.100 Tariff schedules to be filed and open to public -- Exceptions.
- 80.36.110 Tariff changes -- Statutory notice -- Exception.
- 80.36.120 Joint rates, contracts, etc.
- 80.36.130 Published rates to be charged -- Exceptions.
- 80.36.135 Alternative regulation of telecommunications companies.
- 80.36.140 Rates and services fixed by commission, when.
- 80.36.145 Formal investigation and fact-finding -- Alternative to full adjudicative proceeding.
- 80.36.150 Contracts filed with commission.
- 80.36.160 Physical connections may be ordered, routing prescribed, and joint rates established.
- 80.36.170 Unreasonable preference prohibited.
- 80.36.180 Rate discrimination prohibited.
- 80.36.183 Discounted message toll rates prohibited -- Availability of statewide, averaged toll rates.
- 80.36.186 Pricing of or access to noncompetitive services -- Unreasonable preference or advantage prohibited.
- 80.36.190 Long and short distance provision.
- 80.36.195 Telecommunications relay system -- Long distance discount rates.

- 80.36.200 Transmission of messages of other lines.
- 80.36.210 Order of sending messages.
- 80.36.220 Duty to transmit messages -- Penalty for refusal or neglect.
- 80.36.225 Pay telephones -- Calls to operator without charge or coin insertion to be provided.
- 80.36.230 Exchange areas for telecommunications companies.
- 80.36.240 Exchange areas for telephone companies -- Procedure to establish.
- 80.36.250 Commission may complain of interstate rates.
- 80.36.260 Betterments may be ordered.
- 80.36.270 Effect on existing contracts.
- 80.36.300 Policy declaration.
- 80.36.310 Classification as competitive telecommunications companies, services -- Initiation of proceedings -- Notice and publication -- Effective date -- Date for final order.
- 80.36.320 Classification as competitive telecommunications companies, services -- Factors considered -- Minimal regulation -- Reclassification.
- 80.36.330 Classification as competitive telecommunications companies, services -- Effective competition defined -- Minimal regulation -- Prices and rates -- Reclassification.
- 80.36.333 Price lists in effect before June 7, 2006 -- Extension.
- 80.36.338 Withdrawal of price list -- Customer information, opportunity to accept changes in rates, terms, or conditions -- Cancellation period.
- 80.36.340 Banded rates.
- 80.36.350 Registration of new companies.
- 80.36.360 Exempted actions or transactions.
- 80.36.370 Certain services not regulated.
- 80.36.375 Personal wireless services -- Siting microcells and/or minor facilities -- Definitions.
- 80.36.390 Telephone solicitation.
- 80.36.400 Automatic dialing and announcing device -- Commercial solicitation by.
- 80.36.410 Washington telephone assistance program -- Findings.
- 80.36.420 Washington telephone assistance program -- Availability, components.
- 80.36.430 Washington telephone assistance program -- Excise tax -- Expenses of community service voice mail.
- 80.36.440 Washington telephone assistance program -- Rules.
- 80.36.450 Washington telephone assistance program -- Limitation.
- 80.36.460 Washington telephone assistance program -- Deposit waivers, connection fee discounts.
- 80.36.470 Washington telephone assistance program -- Eligibility.
- 80.36.475 Washington telephone assistance program -- Report to legislature.
- 80.36.500 Information delivery services through exclusive number prefix or service access code.
- 80.36.510 Legislative finding.

- 80.36.520 Disclosure of alternate operator services.
- 80.36.522 Alternate operator service companies -- Registration -- Penalties.
- 80.36.524 Alternate operator service companies -- Rules.
- 80.36.530 Violation of consumer protection act -- Damages.
- 80.36.540 Telefacsimile messages -- Unsolicited transmission -- Penalties.
- 80.36.555 Enhanced 911 service -- Residential service required.
- 80.36.560 Enhanced 911 service -- Business service required.
- 80.36.600 Universal service program -- Planning and preparation -- Commission's duties -- Approval of legislature required -- Definitions.
- 80.36.610 Universal service program -- Authority of commission -- Rules -- Fees -- Legislative intent.
- 80.36.620 Universal service program -- Rules.
- 80.36.850 Extended area service defined.
- 80.36.855 Extended area service program.
- 80.36.900 Severability -- 1985 c 450.
- 80.36.901 Legislative review of 1985 c 450 -- 1989 c 101.

#### NOTES:

Arrest by telegraph, validity of telegraphic copy: RCW 10.31.060.

Bills and notes drawn by telegraph, preservation of original: RCW 5.52.040.

Divulging telegraph message: RCW 9.73.010.

Telegraph and telephone companies: State Constitution Art. 12 § 19.

Telegraph communications, generally: Chapter 5.52 RCW.

Use of slugs to operate coin telephones: RCW 9.26A.120.

#### **RCW 80.36.010**

##### **Eminent domain.**

The right of **eminent domain** is hereby extended to all telecommunications companies organized or doing business in this state.

[1985 c 450 § 15; 1961 c 14 § 80.36.010. Prior: 1890 p 292 § 1; RRS § 11338.]

#### **RCW 80.36.040**

##### **Use of road, street, and railroad right-of-way -- When consent of city necessary.**

Any telecommunications company, or the lessees thereof, doing business in this state, shall have the right to construct and maintain all necessary telecommunications lines for public traffic along and upon

any public road, street or highway, along or across the right-of-way of any railroad corporation, and may erect poles, posts, piers or abutments for supporting the insulators, wires and any other necessary fixture of their lines, in such manner and at such points as not to incommode the public use of the railroad or highway, or interrupt the navigation of the waters: PROVIDED, That when the right-of-way of such corporation has not been acquired by or through any grant or donation from the United States, or this state, or any county, city or town therein, then the right to construct and maintain such lines shall be secured only by the exercise of right of **eminent domain**, as provided by law: PROVIDED FURTHER, That where the right-of-way as herein contemplated is within the corporate limits of any incorporated city, the consent of the city council thereof shall be first obtained before such telecommunications lines can be erected thereon.

[1985 c 450 § 18; 1961 c 14 § 80.36.040. Prior: 1890 p 292 § 5; RRS § 11352.]

---

## Chapter 80.40 RCW UNDERGROUND NATURAL GAS STORAGE ACT

### RCW SECTIONS

80.40.010 Definitions.

80.40.020 Declaration concerning the public interest.

80.40.030 **Eminent domain.**

80.40.040 **Eminent domain** -- Application to oil and gas conservation committee prerequisite to **eminent domain** -- Procedure.

80.40.050 Rights of company using storage -- Rights of owners of condemned land and interests therein.

80.40.060 Leases by commissioner of public lands.

80.40.070 Leases by county commissioners.

80.40.900 Short title.

80.40.910 Chapter to be liberally construed.

80.40.920 Severability -- 1963 c 201.

---

### **RCW 80.40.030** **Eminent domain.**

Any natural gas company having received an order under RCW 80.40.040 shall have the right of **eminent domain** to be exercised in the manner provided in and subject to the provisions of chapter 8.20 RCW to acquire for its use for the underground storage of natural gas any underground reservoir, as well as such other property or interests in property as may be required to adequately maintain and utilize the underground reservoir for the underground storage of natural gas, including easements and rights of way for access to and egress from the underground storage reservoir. The right of **eminent domain** granted hereby shall apply to property or property interests held in private ownership, provided condemnor has exercised good faith in negotiations for private sale or lease. No property shall be taken or damaged until the compensation to be made therefor shall have been ascertained and paid. Any property or interest therein so acquired by any natural gas company shall be used exclusively for the purposes for which it was acquired. Any decree of appropriation hereunder shall define and limit the rights condemned and

shall provide for the reversion of such rights to the defendant or defendants or their successors in interest upon abandonment of the underground storage project. Good faith exploration work or development work relative to the storage reservoir is conclusive evidence that its use has not been abandoned. The court may include in such decree such other relevant conditions, covenants and restrictions as it may deem fair and equitable.

[1963 c 201 § 4.]

---

#### **RCW 80.40.040**

#### **Eminent domain -- Application to \*oil and gas conservation committee prerequisite to eminent domain -- Procedure.**

Any natural gas company desiring to exercise the right of **eminent domain** to condemn any property or interest in property for the underground storage of natural gas shall first make application to the \*oil and gas conservation committee for an order approving the proposed project. Notice of such application shall be given by the committee to the utilities and transportation commission, to the director of ecology, to the commissioner of public lands, and to all other persons known to have an interest in the property to be condemned. Said notice shall be given in the manner provided by RCW 8.20.020 as amended. The committee shall publish notice of said application at least once each week for three successive weeks in some newspaper of general circulation in the county or counties where the proposed underground storage project is located. If no written requests for hearing on the application are received by the committee within forty-five days from the date of service of notice of the application and publication thereof, the committee may proceed without hearing and issue its order. If a hearing is requested, a public hearing on the application will be held within the county or one of the counties where the proposed underground storage project is located. Any order approving the proposed underground storage project shall contain findings that (1) the underground storage of natural gas in the lands or property sought to be condemned is in the public interest and welfare; (2) the underground reservoir is reasonably practicable, and the applicant has complied with all applicable oil and gas conservation laws of the state of Washington; (3) the underground reservoir sought to be condemned is nonproductive of economically recoverable valuable minerals or materials, or of oil or gas in commercial quantities under either primary or secondary recovery methods, and nonproductive of fresh water in commercial quantities with feasible and reasonable pumping lift; (4) the natural gas company has acquired the right by grant, lease or other agreement to store natural gas under at least sixty-five percent of the area of the surface of the land under which such proposed underground storage reservoir extends; (5) the natural gas company carries public liability insurance or has deposited collateral in amounts satisfactory to the committee or has furnished a financial statement showing assets in a satisfactory amount, to secure payment of any liability resulting from any occurrence arising out of or caused by the operation or use of any underground reservoir or facilities incidental thereto; (6) the underground storage project will not injure, pollute, or contaminate any usable fresh water resources; (7) the underground storage project will not injure, interfere with, or endanger any mineral resources or the development or extraction thereof. The order of the committee may be reviewed in the manner provided by chapter 34.05 RCW: PROVIDED, That if an appeal is not commenced within thirty days of the date of the order of the committee, the same shall be final and conclusive.

[1988 c 127 § 35; 1963 c 201 § 5.]

#### **NOTES:**

**\*Reviser's note:** The duties of the oil and gas conservation committee were transferred to the department of natural resources by 1994 sp.s. c 9, effective July 1, 1994.

**RCW 80.40.050****Rights of company using storage -- Rights of owners of condemned land and interests therein.**

All natural gas in an underground reservoir utilized for underground storage, whether acquired by **eminent domain** or otherwise, shall at all times be the property of the natural gas company utilizing said underground storage, its heirs, successors, or assigns; and in no event shall such gas be subject to any right of the owner of the surface of the land under which said underground reservoir lies or of the owner of any mineral interest therein or of any person other than the said natural gas company, its heirs, successors and assigns to release, produce, take, reduce to possession, or otherwise interfere with or exercise any control thereof: PROVIDED, That the right of condemnation hereby granted shall be without prejudice to the rights of the owner of the condemned lands or of the rights and interest therein to drill or bore through the underground reservoir in such a manner as shall protect the underground reservoir against pollution and against the escape of natural gas in a manner which complies with the orders, rules and regulations of the \*oil and gas conservation committee issued for the purpose of protecting underground storage and shall be without prejudice to the rights of the owners of said lands or other rights or interests therein as to all other uses thereof. The additional cost of complying with regulations or orders to protect the underground storage shall be paid by the condemnor.

[1963 c 201 § 6.]

**NOTES:**

**\*Reviser's note:** The duties of the oil and gas conservation committee were transferred to the department of natural resources by 1994 sp.s. c 9, effective July 1, 1994.

---

**Chapter 81.36 RCW**  
**RAILROADS -- CORPORATE POWERS AND DUTIES**

**RCW SECTIONS**

- 81.36.010 Right of **eminent domain**.
- 81.36.020 Right of entry.
- 81.36.030 Intersections and connections with other roads or canals.
- 81.36.040 Line or canal across or along watercourses.
- 81.36.050 Change of grade or location of road or canal.
- 81.36.060 Extensions, branch lines.
- 81.36.070 Purchase, lease, sale, merger of railroads.
- 81.36.075 Proceedings prior to March 18, 1909, validated.
- 81.36.090 Requisites to building extension or branch line.
- 81.36.100 Bridges over navigable streams.
- 81.36.120 May own securities of irrigation companies.
- 81.36.130 May construct and operate ditches and canals.



**NOTES:**

Assessment of private car companies for property tax purposes: Chapter 84.16 RCW.

Consolidation of competing railroads prohibited: State Constitution Art. 12 § 16.

Constitutional limitations, generally: State Constitution Art. 12.

Express companies: State Constitution Art. 12 § 21.

Rights of way over public lands, bridges, etc.: Chapter 79.36 RCW.

Taxation of rolling stock: State Constitution Art. 12 § 17.

**RCW 81.36.010****Right of eminent domain.**

Every corporation organized for the construction of any railway, macadamized road, plank road, clay road, canal or bridge, is hereby authorized and empowered to appropriate, by condemnation, land and any interest in land or contract right relating thereto, including any leasehold interest therein and any rights-of-way for tunnels beneath the surface of the land, and any elevated rights-of-way above the surface thereof, including lands granted to the state for university, school or other purposes, and also tide and shore lands belonging to the state (but not including harbor areas), which may be necessary for the line of such road, railway or canal, or site of such bridge, not exceeding two hundred feet in width, besides a sufficient quantity thereof for toll houses, workshops, materials for construction, excavations and embankments and a right-of-way over adjacent lands or property, to enable such corporation to construct and prepare its road, railway, canal or bridge, and to make proper drains; and in case of a canal, whenever the court shall deem it necessary, to appropriate a sufficient quantity of land, including lands granted to the state for university, school or other purposes, in addition to that before specified in this section, for the construction and excavation of such canal and of the slopes and bermes thereof, not exceeding one thousand feet in total width; and in case of a railway to appropriate a sufficient quantity of any such land, including lands granted to the state for university, schools and other purposes and also tide and shore lands belonging to the state (but not including harbor areas) in addition to that before specified in this section, for the necessary side tracks, depots and water stations, and the right to conduct water thereto by aqueduct, and for yards, terminal, transfer and switching grounds, docks and warehouses required for receiving, delivering, storage and handling of freight, and such land, or any interest therein, as may be necessary for the security and safety of the public in the construction, maintenance and operation of its railways; compensation therefor to be made to the owner thereof irrespective of any benefit from any improvement proposed by such corporation, in the manner provided by law: AND PROVIDED FURTHER, That if such corporation locate the bed of such railway or canal upon any part of the track now occupied by any established state or county road, said corporation shall be responsible to the state or county in which such state or county road so appropriated is located, for all expenses incurred by the state or county in relocating and opening the part of such road so appropriated. The term land as herein used includes tide and shore lands but not harbor areas; it also includes any interest in land or contract right relating thereto, including any leasehold interest therein.

[1961 c 14 § 81.36.010. Prior: 1907 c 244 § 1; 1903 c 180 § 1; 1895 c 80 § 2; 1888 p 63 § 2; Code 1881 § 2456; 1869 p 343 § 2; RRS § 10539.]

**RCW 81.36.070**

## Purchase, lease, sale, merger of railroads.

\*\*\* CHANGE IN 2007 \*\*\* (SEE 1312-S.SL) \*\*\*

Any railroad company now or hereafter incorporated pursuant to the laws of this state or of the United States, or of any state or territory of the United States, may at any time by means of subscription to the capital stock of any other railroad company, or by the purchase of its stock or bonds, or by guaranteeing its bonds, or otherwise, aid such company in the construction of its railroad within or without this state; and any such company owning or operating a railroad within or without this state, may extend the same into this or any other state or territory, and may build, buy, or lease the whole or any part of any other railroad, together with the franchises, powers and immunities and all other property and appurtenances appertaining thereto, whether located within or without this state; or may consolidate with any railroad or railroads in such other state or territory, or with any other railroad in this state, and may operate the same, and may own such real estate and other property in such other state or territory as may be necessary or convenient in the operation of such road; and any such railroad company may sell or lease the whole or any part of its railroad and branches, within or without this state, constructed or to be constructed, together with all property, rights, privileges, and franchises appertaining thereto, to any railroad company organized or existing pursuant to the laws of the United States or of this state, or of any other state or territory of the United States; and any railroad company incorporated or existing under the laws of the United States, or of any state or territory of the United States, may extend, construct, maintain and operate its railroad, or any portion or branch thereof, into and through this state, and may build branches from any point on such extension to any place or places within this state, and the railroad company of any other state or territory of the United States which shall so purchase or lease a railroad, or any part thereof in this state, or consolidate with any such railroad in this state, or shall extend or construct its road, or any portion or branch thereof in this state, shall possess and may exercise and enjoy as to the location, control, management and operation of the said road, and as to the location, construction and operation of any extension or branch thereof, all the rights, powers, privileges and franchises possessed by railroad corporations organized under the laws of this state, including the exercise of the power of **eminent domain**. Such purchase, sale, consolidation or lease may be made, or such aid furnished upon such terms or conditions as may be agreed upon by the directors and trustees of the respective companies; but, except in the case of sale or lease of branch line railroads, the same shall be approved or ratified by persons holding or representing seventy-five percent of the capital stock of the company so selling or disposing of its stock or bonds, or selling, leasing, or otherwise disposing of its railroad property and appurtenances pertaining thereto, at any annual stockholders' meeting or at a special meeting of the stockholders called for that purpose, or by the approval in writing of seventy-five percent of the stockholders of such company. Articles stating the name selected for such consolidated corporation and the terms of such consolidation shall be approved by each corporation by the vote of the stockholders holding seventy-five percent of the stock, in person or by proxy, at a regular meeting thereof or a special meeting called for that purpose in the manner provided by the bylaws of the respective consolidating corporations, or by the consent in writing of such seventy-five percent of such stockholders annexed to such articles; and a copy thereof, with a copy of the records of such approval or consent, duly certified by the respective presidents and secretaries, with the corporate seals of such corporations affixed thereto, shall be filed for record in the office of the secretary of state, and a copy thereof be furnished to the commission; and thereupon such consolidating corporations shall be and become one corporation, by the name so selected, which, within this state, shall possess all the powers, franchises, and immunities, including the right of further consolidation with other corporations, and be subject to all the liabilities and restrictions now or hereafter imposed by law: PROVIDED, That no railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a competing line, or purchase, either directly or indirectly, any stock or interest in a railroad corporation owning or operating a competing line: AND, PROVIDED FURTHER, That nothing

in the foregoing provisions shall be held or construed as curtailing the right of this state, or of the counties through which any such road or roads may be located to levy and collect taxes upon the same, and upon the rolling stock thereof, in conformity with the provisions of the laws of this state upon that subject, and all roads or branches thereof in this state so consolidated with, purchased or leased, or aided, or extended into this state, shall be subject to taxation and to regulation and control of its operation by the laws of this state in all respects the same as if constructed by corporations organized under the laws of this state; and any corporation of another state or territory or of the United States, being the purchaser or lessee of a railroad within this state or extending its railroad or any portion thereof into or through this state, shall establish and maintain an office or offices in this state, at some point or points on its line, at which legal process and notice may be served as upon railroad corporations of this state: PROVIDED, FURTHER, That before any railroad corporation organized under the laws of any other state or territory, or of the United States, shall be permitted to avail itself of the benefits of this section and RCW 81.36.075 with respect to any railroad constructed, or to be constructed within this state, such corporation shall file with the secretary of state, a true copy of its charter or articles of incorporation, and otherwise comply with the laws of this state respecting foreign corporations doing business within the state: PROVIDED, That any such consolidation shall be approved by the commission: PROVIDED, FURTHER, That in no case shall the capital stock of the company formed by such consolidation exceed the sum of the capital stock of the companies so consolidated, at the par value thereof. Any sale or lease of a branch line railroad made in substantial compliance with the provisions of this section prior to April 8, 1926 is hereby legalized and made in all respects legal and binding from the date of its execution.

[1961 c 14 § 81.36.070. Prior: 1925 ex.s. c 188 § 1; 1915 c 136 § 1; 1909 c 196 § 1; 1890 p 526 § 2; RRS § 10463. Formerly RCW 81.36.070 and 81.36.080.]

---

## Chapter 81.53 RCW RAILROADS -- CROSSINGS

### RCW SECTIONS

- 81.53.010 Definitions.
- 81.53.020 Grade separation required where practicable.
- 81.53.030 Petition for crossing -- Hearing -- Order.
- 81.53.040 Supplemental hearing -- Change of route.
- 81.53.050 Requirements of order on change of route.
- 81.53.060 Petition for alteration of crossing -- Closure of grade crossing without hearing.
- 81.53.070 Hearing.
- 81.53.080 Restrictions on structures, railway equipment, in proximity of crossings -- Minimum clearance for under-crossings.
- 81.53.090 Duty to maintain crossings.
- 81.53.091 Underpasses, overpasses constructed with aid of federal funds -- Apportionment of maintenance cost between railroad and state.
- 81.53.100 Cost when railroad crosses highway.
- 81.53.110 Cost when highway crosses railroad.

- 81.53.120 Cost when railroad crosses railroad.
- 81.53.130 Apportionment of cost.
- 81.53.140 Time for performance.
- 81.53.150 Practice and procedure.
- 81.53.160 Service of process.
- 81.53.170 Judicial review.
- 81.53.180 **Eminent domain.**
- 81.53.190 Abatement of illegal crossings.
- 81.53.200 Mandamus to compel performance.
- 81.53.210 Penalty.
- 81.53.220 Obstructions in highways.
- 81.53.230 No new right of action conferred.
- 81.53.240 Scope of chapter.
- 81.53.250 Employment of experts.
- 81.53.261 Crossing signals, warning devices -- Petition, motion -- Hearing -- Order -- Costs apportionment -- Records not evidence for actions -- Appeal.
- 81.53.271 Crossing signals, warning devices -- Petition contents -- Apportionment of installation and maintenance costs.
- 81.53.275 Crossing signals, warning devices -- Apportionment when funds not available from grade crossing protective fund.
- 81.53.281 Crossing signals, warning devices -- Grade crossing protective fund -- Created -- Transfer of funds -- Allocation of costs -- Procedure -- Federal funding.
- 81.53.291 Crossing signals, warning devices -- Operational scope -- Election by first class cities -- Procedure.
- 81.53.295 Crossing signals, warning devices, etc. -- Federal funds used to pay installation costs -- Grade crossing protective fund -- State and local authorities to pay remaining installation costs -- Railroad to pay maintenance costs.
- 81.53.400 Traffic control devices during construction, repair, etc. of crossing or overpass -- Required.
- 81.53.410 Traffic control devices during construction, repair, etc. of crossing or overpass -- Standards and conditions.
- 81.53.420 Traffic control devices during construction, repair, etc. of crossing or overpass -- Rules.
- 81.53.900 Effective date -- 1975 1st ex.s. c 189.

#### NOTES:

Counties, signs, signals, etc.: RCW 36.86.040.

Railroad intersections, crossings, etc.: State Constitution Art. 12 § 13.

Traffic devices required by utilities and transportation commission: RCW 47.36.050.

## RCW 81.53.180

### Eminent domain.

Whenever to carry out any work undertaken under this chapter it is necessary to take, damage, or injuriously affect any private lands, property, or property rights, the right so to take, damage, or injuriously affect the same may be acquired by condemnation as hereinafter provided:

(1) In cases where new railroads are constructed and laid out by railroad company authorized to exercise the power of **eminent domain**, the right to take, damage, or injuriously affect private lands, property, or property rights shall be acquired by the railroad company by a condemnation proceedings brought in its own name and prosecuted as provided by law for the exercise of the power of **eminent domain** by railroad companies, and the right of **eminent domain** is hereby conferred on railroad companies for the purpose of carrying out the requirements of this chapter or the requirements of any order of the commission.

(2) In cases where it is necessary to take, damage, or injuriously affect private lands, property, or property rights to permit the opening of a new highway or highway crossing across a railroad, the right to take, damage, or injuriously affect such lands, property, or property rights shall be acquired by the municipality or county petitioning for such new crossing by a condemnation proceeding brought in the name of such municipality or county as provided by law for the exercise of the power of **eminent domain** by such municipality or county. If the highway involved be a state highway, then the right to take, damage, or injuriously affect private lands, property, or property rights shall be acquired by a condemnation proceeding prosecuted under the laws relative to the exercise of the power of **eminent domain** in aid of such state road.

(3) In cases where the commission orders changes in existing crossings to secure an under-crossing, over-crossing, or safer grade crossing, and it is necessary to take, damage, or injuriously affect private lands, property, or property rights to execute the work, the right to take, damage, or injuriously affect such lands, property, or property rights shall be acquired in a condemnation proceeding prosecuted in the name of the state of Washington by the attorney general under the laws relating to the exercise of the power of **eminent domain** by cities of the first class for street and highway purposes: PROVIDED, That in the cases mentioned in this subdivision the full value of any lands taken shall be awarded, together with damages, if any accruing to the remainder of the land not taken by reason of the severance of the part taken, but in computing the damages to the remainder, if any, the jury shall offset against such damages, if any, the special benefits, if any, accruing to such remainder by reason of the proposed improvement. The right of **eminent domain** for the purposes mentioned in this subdivision is hereby granted.

[1961 c 14 § 81.53.180. Prior: 1913 c 30 § 15; RRS § 10525. Formerly RCW 81.52.250.]

## Chapter 81.64 RCW

### STREET RAILWAYS

## RCW SECTIONS

81.64.010 Grant of franchise.

81.64.020 Application to county legislative authority -- Notice -- Hearing -- Order.

81.64.030 May cross public road.

81.64.040 **Eminent domain.**

81.64.050 Right of entry.

81.64.060 Purchase or lease of street railway property.

81.64.070 Consolidation of companies.

81.64.080 Fares and transfers.

81.64.090 Competent employees required -- "Competent" defined -- Penalty.

81.64.120 Car equipment specified.

81.64.130 Penalty.

81.64.140 Weather guards.

81.64.150 Penalty.

81.64.160 Hours of labor -- Penalty.

#### **NOTES:**

Bridges across navigable waters: RCW 79.110.110 through 79.110.140.

Municipal transportation systems: Title 35 RCW.

#### **RCW 81.64.040 Eminent domain.**

Every corporation incorporated or that may hereafter be incorporated under the laws of this state, or of any other state or territory of the United States and doing business in this state for the purpose of operating railroads or railways by electric power, shall have the right to appropriate real estate and other property for right of way or for any corporate purpose, in the same manner and under the same procedure as now is or may hereafter be provided by law in the case of ordinary railroad corporations authorized by the laws of this state to exercise the right of **eminent domain**: PROVIDED, That such right of **eminent domain** shall not be exercised with respect to any public road or street until the location of the electric railroad or railway thereon has been authorized in accordance with RCW 81.64.010 through 81.64.030.

[1961 c 14 § 81.64.040. Prior: 1903 c 175 § 2; RRS § 11083.]

### **Chapter 81.88 RCW GAS AND HAZARDOUS LIQUID PIPELINES**

(Formerly Gas and oil pipelines)

#### **RCW SECTIONS**

81.88.005 Intent -- Findings.

81.88.010 Definitions.

81.88.020 Pipeline corporations -- Regulation -- **Eminent domain**.

- 81.88.030 Pipeline carriers regulated as common carriers.
- 81.88.040 Violations -- Rules -- Penalties -- Injunctive relief.
- 81.88.050 Pipeline safety account.
- 81.88.060 Comprehensive safety program -- Commission's duties -- Rules -- Standards -- Safety plan approval.
- 81.88.070 Prevention of third-party excavation damage -- Development and distribution of training curricula.
- 81.88.080 Pipeline mapping system -- Commission specifications and evaluations.
- 81.88.090 Enforcement of federal hazardous liquid pipeline safety requirements -- Request for federal delegation of authority.
- 81.88.100 Commission inspection of records, maps, or written procedures.
- 81.88.110 Pipeline company duties after notice of excavation.
- 81.88.140 Citizens committee on pipeline safety -- Duties -- Membership.
- 81.88.150 Review of hazardous liquid and gas pipeline safety programs.
- 81.88.900 Conflict with federal requirements -- 2000 c 191.
- 81.88.901 Short title -- 2000 c 191.
- 81.88.902 Effective date -- 2000 c 191.

## **RCW 81.88.020**

### **Pipeline corporations -- Regulation -- Eminent domain.**

All corporations having for one of their principal purposes the construction, maintenance and operation of pipelines and appurtenances for the conveyance and transportation as common carriers of oils, gas, gasoline and other petroleum products shall be subject to control and regulation by the commission in the same manner and to the same extent as other public service corporations. The power of **eminent domain** is hereby conferred upon such corporations to be used for acquiring rights of way for common carrier pipelines and they shall have the right to condemn and appropriate lands and property and interests therein for their use under the same procedure as is provided for the condemnation and appropriation of private property by railway companies, but no private property shall be taken or damaged until the compensation to be made therefor shall have been ascertained and paid as provided in the case of condemnation and appropriation by railway companies. Any property or interest therein acquired by any corporation under the provisions of this section by the exercise of the right of **eminent domain** shall be used exclusively for the purposes for which it was acquired. In all actions brought under this section to enforce the right of **eminent domain**, courts wherein such actions are brought may give such actions preference over all other civil actions in the matter of setting the same for hearing or trial and in hearing the same.

[1961 c 14 § 81.88.020. Prior: 1951 c 94 § 2; 1915 c 132 § 2; RRS § 9965.]

## **RCW 81.112.080**

### **Additional powers -- Acquisition of facilities -- Disposal of property--Rates, tolls, fares, charges.**

An authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To carry out the planning processes set forth in RCW 81.104.100;

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate, and regulate the use of high capacity transportation facilities and properties within authority boundaries including surface, underground, or overhead railways, tramways, busways, buses, bus sets, entrained and linked buses, ferries, or other means of local transportation except taxis, and including escalators, moving sidewalks, personal rapid transit systems or other people-moving systems, passenger terminal and parking facilities and properties, and such other facilities and properties as may be necessary for passenger, vehicular, and vessel access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, property, equipment, and accessories necessary for such high capacity transportation systems. When developing specifications for high capacity transportation system operating equipment, an authority shall take into account efforts to establish or sustain a domestic manufacturing capacity for such equipment. The right of **eminent domain** shall be exercised by an authority in the same manner and by the same procedure as or may be provided by law for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter. Public transportation facilities and properties which are owned by any city, county, county transportation authority, public transportation benefit area, or metropolitan municipal corporation may be acquired or used by an authority only with the consent of the agency owning such facilities. Such agencies are hereby authorized to convey or lease such facilities to an authority or to contract for their joint use on such terms as may be fixed by agreement between the agency and the authority.

The facilities and properties of an authority whose vehicles will operate primarily within the rights of way of public streets, roads, or highways, may be acquired, developed, and operated without the corridor and design hearings that are required by \*RCW 35.58.273 for mass transit facilities operating on a separate right of way;

(3) To dispose of any real or personal property acquired in connection with any authority function and that is no longer required for the purposes of the authority, in the same manner as provided for cities of the first class. When an authority determines that a facility or any part thereof that has been acquired from any public agency without compensation is no longer required for authority purposes, but is required by the agency from which it was acquired, the authority shall by resolution transfer it to such agency;

(4) To fix rates, tolls, fares, and charges for the use of such facilities and to establish various routes and classes of service. Fares or charges may be adjusted or eliminated for any distinguishable class of users.

[1992 c 101 § 8.]

#### NOTES:

\*Reviser's note: RCW 35.58.273 was repealed by 2002 c 6 § 2.

---

#### RCW 82.16.010 Definitions.

\*\*\* CHANGE IN 2007 \*\*\* (SEE 5089-S.SL) \*\*\*



For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of **eminent domain** and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065 and low-level radioactive waste site operating companies as redefined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

[1996 c 150 § 1; 1994 c 163 § 4; 1991 c 272 § 14; 1989 c 302 § 203. Prior: 1989 c 302 § 102; 1986 c 226 § 1; 1983 2nd ex.s. c 3 § 32; 1982 2nd ex.s. c 9 § 1; 1981 c 144 § 2; 1965 ex.s. c 173 § 20; 1961 c 293 § 12; 1961 c 15 § 82.16.010; prior: 1959 ex.s. c 3 § 15; 1955 c 389 § 28; 1949 c 228 § 10; 1943 c 156 § 10; 1941 c 178 § 12; 1939 c 225 § 20; 1937 c 227 § 11; 1935 c 180 § 37; Rem. Supp. 1949 § 8370-37.]

#### NOTES:

**Effective date -- 1996 c 150:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 25, 1996]." [1996 c 150 § 3.]

**Effective dates -- 1991 c 272:** See RCW 81.108.901.

**Finding, purpose -- 1989 c 302:** See note following RCW 82.04.120.

**Effective date -- 1986 c 226:** "This act shall take effect July 1, 1986." [1986 c 226 § 3.]

**Construction -- Severability -- Effective dates -- 1983 2nd ex.s. c 3:** See notes following RCW 82.04.255.

**Effective date -- 1982 2nd ex.s. c 9:** "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect August 1, 1982." [1982 2nd ex.s. c 9 § 4.]

**Intent -- 1981 c 144:** "The legislature recognizes that there have been significant changes in the nature of the telephone business in recent years. Once solely the domain of regulated monopolies, the telephone business has now been opened up to competition with respect to most of its services and equipment. As a result of this competition, the state and local excise tax structure in the state of Washington has become discriminatory when applied to regulated telephone company transactions that are similar in nature to those consummated by nonregulated competitors. Telephone companies are forced to operate at a significant state and local tax disadvantage when compared to these nonregulated competitors.

To remedy this situation, it is the intent of the legislature to place telephone companies and nonregulated competitors of telephone companies on an equal excise tax basis with regard to the providing of similar goods and services. Therefore competitive telephone services shall for excise tax purposes only, unless otherwise provided, be treated as retail sales under the applicable state and local business and occupation and sales and use taxes. This shall not affect any requirement that regulated

telephone companies have under Title 80 RCW, unless otherwise provided.

Nothing in this act affects the authority and responsibility of the Washington utilities and transportation commission to set fair, just, reasonable, and sufficient rates for telephone service." [1981 c 144 § 1.]

**Severability -- 1981 c 144:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 144 § 12.]

**Effective date -- 1981 c 144:** "This act shall take effect on January 1, 1982." [1981 c 144 § 13.]

**Effective date -- 1965 ex.s. c 173:** See note following RCW 82.04.050.

#### **RCW 84.26.090**

##### **Disqualification for valuation -- Additional tax -- Lien -- Exceptions from additional tax.**

(1) Except as provided in subsection (3) of this section, whenever property classified and valued as eligible historic property under RCW 84.26.070 becomes disqualified for the valuation, there shall be added to the tax an additional tax equal to:

(a) The cost multiplied by the levy rate in each year the property was subject to special valuation; plus

(b) Interest on the amounts of the additional tax at the statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the property had not been valued as historic property under this chapter; plus

(c) A penalty equal to twelve percent of the amount determined in (a) and (b) of this subsection.

(2) The additional tax and penalties, together with applicable interest thereon, shall become a lien on the property which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable.

(3) The additional tax, interest, and penalty shall not be imposed if the disqualification resulted solely from:

(a) Sale or transfer of the property to an ownership making it exempt from taxation;

(b) Alteration or destruction through no fault of the owner; or

(c) A taking through the exercise of the power of **eminent domain**.

[1986 c 221 § 7; 1985 c 449 § 9.]

#### **RCW 84.33.140**

##### **Forest land valuation -- Notation of forest land designation upon assessment and tax rolls -- Notice**

**of continuance -- Removal of designation -- Compensating tax. (Effective until July 1, 2007.)****\*\*\* CHANGE IN 2007 \*\*\* (SEE 1381-S.SL) \*\*\***

(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation shall be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor shall list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor shall compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land shall be as follows:

LAND	OPERABILITY	VALUES
GRADE	CLASS	PER ACRE
1	1	\$234
	2	229
	3	217
	4	157
2	1	198
	2	190
	3	183
	4	132
3	1	154
	2	149
	3	148
	4	113
4	1	117
	2	114
	3	113
	4	86
5	1	85
	2	78
	3	77
	4	52
6	1	43
	2	39
	3	39
	4	37
7	1	21
	2	21
	3	20
	4	20

(3) On or before December 31, 2001, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and shall certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(5) Land graded, assessed, and valued as forest land shall continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;

(b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of designation. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However,

land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land shall not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor shall have the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5) (a) through (c) of this section, the removal shall apply only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal shall apply only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation shall immediately be made upon the assessment and tax rolls. The assessor shall revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation shall be listed. Taxes based on the value of the land as forest land shall be assessed and payable up until the date of removal and taxes based on the true and fair value

of the land shall be assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax shall be imposed on land removed from designation as forest land. The compensating tax shall be due and payable to the treasurer thirty days after the owner is notified of the amount of this tax. As soon as possible after the land is removed from designation, the assessor shall compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax shall be equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to the number of years for which the land was designated as forest land, plus compensating taxes on the land at forest land values up until the date of removal and the prorated taxes on the land at true and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, shall become a lien on the land which shall attach at the time the land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of **eminent domain**, or sale or transfer to an entity having the power of **eminent domain** in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open

space program under RCW 76.09.040;

(h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h); or

(i) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place after July 22, 2001, and on or before July 22, 2003, and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(i).

(14) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:

(a) An action described in subsection (13) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

[2003 c 170 § 5. Prior: 2001 c 305 § 2; 2001 c 249 § 3; 2001 c 185 § 5; 1999 sp.s. c 4 § 703; 1999 c 233 § 21; 1997 c 299 § 2; 1995 c 330 § 2; 1992 c 69 § 2; 1986 c 238 § 2; 1981 c 148 § 9; 1980 c 134 § 3; 1974 ex.s. c 187 § 7; 1973 1st ex.s. c 195 § 93; 1972 ex.s. c 148 § 6; 1971 ex.s. c 294 § 14.]

## NOTES:

**Purpose -- Intent -- 2003 c 170:** See note following RCW 84.33.130.

**Application -- 2001 c 185 §§ 1-12:** See note following RCW 84.14.110.

**Part headings not law -- 1999 sp.s. c 4:** See note following RCW 77.85.180.

**Effective date -- 1999 c 233:** See note following RCW 4.28.320.

**Effective date -- 1997 c 299:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 9, 1997]." [1997 c 299 § 4.]

**Effective date -- 1995 c 330:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 11, 1995]." [1995 c 330 § 3.]

**Effective date -- 1992 c 69:** See RCW 84.34.923.



**Purpose -- Severability -- Effective dates -- 1981 c 148:** See notes following RCW 84.33.130.

**Severability -- 1974 ex.s. c 187:** See note following RCW 84.33.130.

**Severability -- Effective dates and termination dates -- Construction -- 1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

#### **RCW 84.33.140**

**Forest land valuation -- Notation of forest land designation upon assessment and tax rolls -- Notice of continuance -- Removal of designation -- Compensating tax. (Effective July 1, 2007.)**

#### **\*\*\* CHANGE IN 2007 \*\*\* (SEE 1381-S.SL) \*\*\***

(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation shall be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor shall list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor shall compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land shall be as follows:

LAND	OPERABILITY	VALUES
GRADE	CLASS	PER ACRE
1	1	\$234
	2	229
	3	217
	4	157
2	1	198
	2	190
	3	183
	4	132
3	1	154
	2	149
	3	148
	4	113
4	1	117
	2	114
	3	113
	4	86
5	1	85
	2	78
	3	77
	4	52

	1	43
6	2	39
	3	39
	4	37
	1	21
7	2	21
	3	20
	4	20
8		1

(3) On or before December 31, 2001, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and shall certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(5) Land graded, assessed, and valued as forest land shall continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;

(b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of designation. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has

been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land shall not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor shall have the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5) (a) through (c) of this section, the removal shall apply only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal shall apply only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation shall immediately be made upon the assessment and tax rolls. The assessor shall revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation shall be listed. Taxes based on the value of the land as forest land shall be assessed and payable up until the date of removal and taxes based on the true and fair value of the land shall be assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax shall be imposed on land removed from designation as forest land. The compensating tax shall be due and payable to the treasurer thirty days after the owner is notified of the amount of this tax. As soon as possible after the land is removed from designation, the assessor shall compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax shall be equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to the number of years for which the land was designated as forest land, plus compensating taxes on the land at forest land values up until the date of removal and the prorated taxes on the land at true and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, shall become a lien on the land which shall attach at the time the land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of **eminent domain**, or sale or transfer to an entity having the power of **eminent domain** in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040;

(h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h); or

(i) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place after July 22, 2001, and on or before July 22, 2003, and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(i).

(14) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:

(a) An action described in subsection (13) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

[2005 c 303 § 13; 2003 c 170 § 5. Prior: 2001 c 305 § 2; 2001 c 249 § 3; 2001 c 185 § 5; 1999 sp.s. c 4 § 703; 1999 c 233 § 21; 1997 c 299 § 2; 1995 c 330 § 2; 1992 c 69 § 2; 1986 c 238 § 2; 1981 c 148 § 9; 1980 c 134 § 3; 1974 ex.s. c 187 § 7; 1973 1st ex.s. c 195 § 93; 1972 ex.s. c 148 § 6; 1971 ex.s. c 294 § 14.]

## NOTES:

**Effective date -- 2005 c 303 §§ 1-14:** See note following RCW 79A.15.010.

**Purpose -- Intent -- 2003 c 170:** See note following RCW 84.33.130.

**Application -- 2001 c 185 §§ 1-12:** See note following RCW 84.14.110.

**Part headings not law -- 1999 sp.s. c 4:** See note following RCW 77.85.180.

**Effective date -- 1999 c 233:** See note following RCW 4.28.320.

**Effective date -- 1997 c 299:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 9, 1997]." [1997 c 299 § 4.]

**Effective date -- 1995 c 330:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 11, 1995]." [1995 c 330 § 3.]

**Effective date -- 1992 c 69:** See RCW 84.34.923.

**Purpose -- Severability -- Effective dates -- 1981 c 148:** See notes following RCW 84.33.130.

**Severability -- 1974 ex.s. c 187:** See note following RCW 84.33.130.

**Severability -- Effective dates and termination dates -- Construction -- 1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

#### **RCW 84.34.108**

**Removal of classification -- Factors -- Notice of continuance -- Additional tax -- Lien -- Delinquencies -- Exemptions.**

**\*\*\* CHANGE IN 2007 \*\*\* (SEE 1381-S.SL) \*\*\***

(1) When land has once been classified under this chapter, a notation of the classification shall be made each year upon the assessment and tax rolls and the land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on

the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of the land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on the land which shall attach at the time the land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure

of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of **eminent domain**, or (ii) sale or transfer to an entity having the power of **eminent domain** in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040;

(k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k); or

(l) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993 and the sale or transfer takes place after July 22, 2001, and on or before July 22, 2003, and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purpose of this subsection (6)(l).



[2003 c 170 § 6. Prior: 2001 c 305 § 3; 2001 c 249 § 14; 2001 c 185 § 7; prior: 1999 sp.s. c 4 § 706; 1999 c 233 § 22; 1999 c 139 § 2; 1992 c 69 § 12; 1989 c 378 § 35; 1985 c 319 § 1; 1983 c 41 § 1; 1980 c 134 § 5; 1973 1st ex.s. c 212 § 12.]

## NOTES:

**Purpose -- 2003 c 170 § 6:** "During the regular session of the 2001 legislature, RCW 84.34.108 was amended by section 7, chapter 185, by section 14, chapter 249, and by section 3, chapter 305, each without reference to the other. The purpose of section 6 of this act is to reenact and amend RCW 84.34.108 so that it reflects all amendments made by the legislature and to clarify any misunderstanding as to how the exemption contained in chapter 305, Laws of 2001 is to be applied." [2003 c 170 § 3.]

**Purpose -- Intent -- 2003 c 170:** See note following RCW 84.33.130.

**Application -- 2001 c 185 §§ 1-12:** See note following RCW 84.14.110.

**Part headings not law -- 1999 sp.s. c 4:** See note following RCW 77.85.180.

**Effective date -- 1999 c 233:** See note following RCW 4.28.320.

---

### RCW 84.34.210

**Acquisition of open space, land, or rights to future development by certain entities -- Authority to acquire -- Conveyance or lease back.**

Any county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, may acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except by **eminent domain**, the fee simple or any lesser interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land as such are defined in chapter 84.34 RCW for public use or enjoyment. Among interests that may be so acquired are mineral rights. Any county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, may acquire such property for the purpose of conveying or leasing the property back to its original owner or other person under such covenants or other contractual arrangements as will limit the future use of the property in accordance with the purposes of chapter 243, Laws of 1971 ex. sess.

[1993 c 248 § 1; 1987 c 341 § 2; 1975-'76 2nd ex.s. c 22 § 1; 1971 ex.s. c 243 § 2.]

## NOTES:

Acquisition of interests in land for conservation, protection, preservation, or open space purposes by certain entities: RCW 64.04.130.

Property tax exemption for conservation futures on agricultural land: RCW 84.36.500.

---

### RCW 84.34.220

**Acquisition of open space, land, or rights to future development by certain entities -- Developmental rights -- "Conservation futures" -- Acquisition -- Restrictions.**

In accordance with the authority granted in RCW 84.34.210, a county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, may specifically purchase or otherwise acquire, except by **eminent domain**, rights in perpetuity to future development of any open space land, farm and agricultural land, and timber land which are so designated under the provisions of chapter 84.34 RCW and taxed at current use assessment as provided by that chapter. For the purposes of chapter 243, Laws of 1971 ex. sess., such developmental rights shall be termed "conservation futures". The private owner may retain the right to continue any existing open space use of the land, and to develop any other open space use, but, under the terms of purchase of conservation futures, the county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, may forbid or restrict building thereon, or may require that improvements cannot be made without county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, permission. The land may be alienated or sold and used as formerly by the new owner, subject to the terms of the agreement made by the county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, with the original owner.

[1993 c 248 § 2; 1987 c 341 § 3; 1975-'76 2nd ex.s. c 22 § 2; 1971 ex.s. c 243 § 3.]

---

## RCW 84.36.810

### Cessation of use under which exemption granted -- Collection of taxes.

(1)(a) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.042, 84.36.043, 84.36.046, 84.36.050, 84.36.060, 84.36.550, 84.36.560, 84.36.570, and 84.36.650, except as provided in (b) of this subsection, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes. If the property has been granted an exemption for more than ten consecutive years, taxes and interest shall not be assessed under this section.

(b) Upon cessation of use by an institution of higher education of property exempt under RCW 84.36.050(2) the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the seven years preceding, or the life of the exemption, whichever is less.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when fifty-one percent or more of the area of the property loses its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation for a use which also qualifies and is granted exemption under this chapter;

(b) A taking through the exercise of the power of **eminent domain**, or sale or transfer to an entity having the power of **eminent domain** in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the

property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on leased property that had been exempt under this chapter;

(g) A change in the exempt portion of a home for the aging under RCW 84.36.041(3), as long as some portion of the home remains exempt; or

(h) Transfer to an agency of the state of Washington or the city or county within which the property is located.

(3) Subsection (2)(e) and (f) of this section do [does] not apply to property leased to a state institution of higher education and exempt under RCW 84.36.050(2).

[2006 c 305 § 4; 2003 c 344 § 2; 2001 c 126 § 3. Prior: 1999 c 203 § 3; 1999 c 139 § 4; prior: 1998 c 311 § 26; 1998 c 202 § 4; prior: 1997 c 156 § 9; 1997 c 143 § 4; 1994 c 124 § 19; 1993 c 79 § 4; 1990 c 283 § 4; 1989 c 379 § 5; 1987 c 468 § 2; 1984 c 220 § 8; 1983 c 185 § 1; 1981 c 141 § 5; 1977 ex.s. c 209 § 1; 1973 2nd ex.s. c 40 § 8.]

#### NOTES:

**Application -- 2001 c 126:** See note following RCW 84.36.040.

**Application -- 1999 c 203:** See note following RCW 84.36.560.

**Applicability -- 1997 c 143:** See note following RCW 84.36.046.

**Applicability -- 1993 c 79:** See note following RCW 84.36.550.

**Severability -- Effective date -- 1989 c 379:** See notes following RCW 84.36.040.

**Applicability -- 1987 c 468:** See note following RCW 84.36.805.

**Applicability, construction -- 1981 c 141:** See note following RCW 84.36.060.

---

**RCW 84.38.130****When deferred assessments or taxes become payable.**

Special assessments and/or real property tax obligations deferred under this chapter shall become payable together with interest as provided in RCW 84.38.100:

(1) Upon the sale of property which has a deferred special assessment and/or real property tax lien upon it.

(2) Upon the death of the claimant with an outstanding deferred special assessment and/or real property tax lien except a surviving spouse who is qualified under this chapter may elect to incur the special assessment and/or real property tax lien which shall then be payable by that spouse as provided in this section.

(3) Upon the condemnation of property with a deferred special assessment and/or real property tax lien upon it by a public or private body exercising **eminent domain** power, except as otherwise provided in RCW 84.60.070.

(4) At such time as the claimant ceases to reside permanently in the residence upon which the deferral has been granted.

(5) Upon the failure of any condition set forth in RCW 84.38.030.

[1984 c 220 § 26; 1975 1st ex.s. c 291 § 38.]

**RCW 85.05.070****Eminent domain -- Powers of district.**

All diking districts organized under the provisions of this act shall have the right of **eminent domain** with the power by and through its board of commissioners to cause to be condemned and appropriated private property for the use of said organization, in the construction and maintenance of a system of dikes and make just compensation therefor; that the property of private corporations may be subjected to the same rights of **eminent domain** as private individuals, and said board of commissioners shall have the power to acquire by purchase all of the real property necessary to make the improvements provided for by this act. All diking districts and the commissioners thereof now organized and existing, and all diking districts hereafter to be organized, and the commissioners thereof shall have in addition to the rights, powers and authority now conferred by any law of this state:

(1) The right, power and authority to straighten, widen, deepen and improve any and all rivers, watercourses or streams, whether navigable or otherwise, flowing through or located within the boundaries of such diking district, or any rivers, watercourses or streams which shall at any time by their overflow damage the land within the boundaries of any such diking district.

(2) To construct all needed and auxiliary dikes, drains, ditches, canals, flumes, locks and all other necessary artificial appliances, wherever situated, in the construction of a diking system and which may be necessary or advisable to protect the land in any diking district from overflow, or to provide an efficient system of drainage for the land situated within such diking district, or to assist and become necessary in the preservation and maintenance of such diking system.

(3) In the accomplishment of the foregoing objects, the commissioners of such diking districts are hereby given, in addition to the right and power of **eminent domain** now conferred by law upon the commissioners of any diking district, the right, power and authority by purchase, or the exercise of the power and authority of **eminent domain**, or otherwise, to acquire all necessary or needed rights of way in the straightening, deepening or widening of such rivers, watercourses or streams, and such auxiliary drains, ditches or canals hereinabove mentioned, and when so acquired shall have and are hereby given the right, power and authority, by and with the consent and approval of the United States government, in cases where such consent is necessary, to divert, alter or change the bed or course of any such river, watercourse or stream aforesaid, or to deepen or widen the same.

All diking districts and the commissioners thereof are further given the right, power and authority to join and contract with any other diking district or districts for the joint construction of any of the foregoing works, appliances, or improvements, whether such works, appliances or improvements are located within the boundaries of any or all of the contracting districts.

[1939 c 117 § 1; 1915 c 153 § 1; 1907 c 95 § 1; 1895 c 117 § 7; RRS § 4243. Prior: 1883 p 30 § 1; Code 1881 § 2523. Formerly RCW 85.04.410.]

---

### **RCW 85.05.230**

#### **Action by district to prevent washing away of stream banks.**

Where any diking system is sought to be constructed by any district organized under the provisions of this act along any river or watercourse to prevent overflow therefrom, and it shall become necessary to provide against the washing away of the banks of said river or watercourse so as to prevent injury to such proposed diking system, or any system which may have already been completed, such district, by and through its board of commissioners, may make such portions of lands lying along said dikes which are threatened to be washed away by said river or watercourse part of the right-of-way of said dike system, and may construct along the banks of said river or watercourse, as a part of said diking system, such protection as may be necessary to protect said dike, and in such cases such tract or parcel of land may be condemned and appropriated under the law of **eminent domain** as provided herein as a part of the right-of-way of such dike system; and when not condemned or appropriated at the time said system is established and constructed, said diking district, by and through its board of commissioners, may, at any time thereafter, when any portion of said system is threatened to be washed away by such river or watercourse, file their petition with the court condemning and appropriating for the use of said district so much of the land lying along said river or watercourse as may be necessary to be used for the protection of said diking system, and the proceedings therein for the making of compensation therefor and the payment of damages by reason of such appropriation shall be the same, or as near as may be applicable, as other proceedings for the condemnation of right-of-way provided for in this act.

[1895 c 117 § 23; RRS § 4272. Formerly RCW 85.04.420, part.]

---

### **RCW 85.05.380**

#### **Public lands subject to assessment -- Rights and liabilities of public corporations.**

All state, county, school district or other lands belonging to other public corporations requiring to be diked as a protection from overflow shall be subjected to the provisions of this act, and such corporations, by and through the proper authorities, shall be made parties in all proceedings therein affecting said lands and shall have the same rights and liable to the same right of **eminent domain** as private persons, and their lands shall be subject to the right of **eminent domain** the same as the lands of

private persons or corporations.

[1895 c 117 § 38; RRS § 4288. Formerly RCW 85.04.110, part.]

---

## Chapter 85.06 RCW DRAINAGE DISTRICTS AND MISCELLANEOUS DRAINAGE PROVISIONS

### RCW SECTIONS

#### PART I -- DRAINAGE DISTRICTS

- 85.06.010 Districts authorized -- Powers -- Management.
- 85.06.015 Certain powers and rights governed by chapter 85.38 RCW.
- 85.06.070 **Eminent domain** powers -- Purchase of real property authorized.
- 85.06.080 Commissioners -- Powers and duties.
- 85.06.090 Petition for improvement -- Contents.
- 85.06.100 Petition for improvement -- Employment of assistants -- Compensation as costs in suit.
- 85.06.110 Summons -- Contents -- Service.
- 85.06.120 Appearance of defendants -- Jury -- Verdict -- Assessment of damages and benefits -- Decree.
- 85.06.125 Special assessments -- Budgets -- Alternative methods.
- 85.06.130 Assessment of benefited lands formerly omitted -- Procedure -- Appeals.
- 85.06.140 Dismissal of proceedings, when -- Costs.
- 85.06.150 Procedure to claim awards.
- 85.06.160 Transcript of benefits to auditor -- Assessments -- Collection -- Supplemental assessment.
- 85.06.180 Construction -- Contractors -- Performance bonds.
- 85.06.190 Substantial changes in plans -- Procedure.
- 85.06.200 Payments on contracts -- Retained percentage.
- 85.06.210 Connecting private drains -- Procedure -- Costs.
- 85.06.220 Connecting with lower districts -- Procedure.
- 85.06.230 City or town may act as or be included in drainage district.
- 85.06.240 Estimate for maintenance and repair -- Emergency expenditures.
- 85.06.250 Organization of board -- Warrants, how issued.
- 85.06.255 Special assessment bonds.
- 85.06.330 Warrants presented for indorsement -- When and how paid.
- 85.06.340 Trial -- Findings and forms of verdict.
- 85.06.350 Public lands subject to assessment -- Rights and liabilities of public corporations.
- 85.06.360 Assessments on public lands -- How paid.

- 85.06.370 Fees for service of process.
- 85.06.380 Commissioners -- Compensation and expenses.
- 85.06.390 Improvement of watercourses -- Preservation of vested rights.
- 85.06.400 Powers of court -- Injunctions.

## PART II -- MISCELLANEOUS DRAINAGE PROVISIONS

- 85.06.500 Extension or enlargement of system.
- 85.06.545 Annexation of territory -- Consolidation of special districts -- Suspension of operations -- Reactivation.
- 85.06.550 Payment of preliminary expense where proceedings are dropped.
- 85.06.560 Payment of preliminary expense where proceedings are dropped -- Notice to present claims -- Registration.
- 85.06.570 Payment of preliminary expense where proceedings are dropped -- Petition to court for assessment -- Contents.
- 85.06.580 Payment of preliminary expense where proceedings are dropped -- Hearing to be fixed -- Order for publication of notice.
- 85.06.590 Payment of preliminary expense where proceedings are dropped -- Notice -- Contents, publication, etc.
- 85.06.600 Payment of preliminary expense where proceedings are dropped -- Hearing -- Order for levy -- Costs.
- 85.06.610 Payment of preliminary expense where proceedings are dropped -- Certification of order to tax levying officers.
- 85.06.620 Payment of preliminary expense where proceedings are dropped -- Dismissal of petition.
- 85.06.630 Payment of preliminary expense where proceedings are dropped -- Appellate review.
- 85.06.640 Additional improvements -- Authorized -- Change in plans.
- 85.06.650 Additional improvements -- Methods of payment.
- 85.06.660 Additional improvements -- Resolution -- Notice and hearing -- Protests -- Appellate review, conclusiveness of order of board.
- 85.06.670 Additional improvements -- Acquisition, sale of property -- Contracts to share expense.
- 85.06.680 Additional improvements -- Private property not to be taken without compensation.
- 85.06.690 Additional improvements -- Right of **eminent domain**.
- 85.06.700 Additional improvements -- Powers are additional -- "Drainage district" defined.
- 85.06.710 Costs in excess of estimate -- Authorized -- Warrants validated.
- 85.06.720 Costs in excess of estimate -- Petition to reopen original proceedings -- Damages and benefits.
- 85.06.730 Costs in excess of estimate -- Summons on petition -- Contents -- Service -- Answer.
- 85.06.740 Costs in excess of estimate -- Hearing by jury -- Verdict.
- 85.06.750 Costs in excess of estimate -- Judgment -- Appellate review.

**NOTES:**

**Reviser's note:** Part I of this chapter consists of chapter 115, Laws of 1895 as it has been amended and added to; thus the term "this act" has been translated to read "this chapter" throughout Part I. In Part II a number of miscellaneous acts relating to drainage districts have been codified; throughout Part II interval translations of the term "this act" have been made where they occur.

Special district creation and operation: Chapter 85.38 RCW.

---

**RCW 85.06.070****Eminent domain powers -- Purchase of real property authorized.**

All drainage districts organized or that may hereafter be organized under the provisions of this chapter or the acts amendatory thereof shall have the right of **eminent domain**, with the power by and through its board of commissioners, to cause to be condemned and appropriated private property for the use of said corporation in the construction and maintenance of a system or systems of drainage, and make just compensation therefor, and such right of **eminent domain** may be exercised either within or without the boundaries of such districts, and may be exercised with respect to rights of way for ditches, drains, dams, outlets or any other necessary appliances or structures and whether for the original system or any additions, enlargements or extensions thereof or for additional outlets or systems of drainage: PROVIDED, That the property of private corporations may be subjected to the same rights of **eminent domain** as that of private individuals: PROVIDED, FURTHER, That the said board of commissioners shall have the power to acquire by purchase all the real property necessary to make the improvements herein provided for.

[1919 c 179 § 2; 1895 c 115 § 7; RRS § 4305. Formerly RCW 85.04.605, part.]

---

**RCW 85.06.350****Public lands subject to assessment -- Rights and liabilities of public corporations.**

All state, county, school district or other lands belonging to other public corporations requiring drainage shall be subject to the provisions of this chapter, and such corporations, by and through the proper authorities, shall be made parties in all proceedings herein affecting said lands, and shall have the same rights as private persons, and their lands shall be subject to the right of **eminent domain** the same as the lands of private persons or corporations.

[1895 c 115 § 35; RRS § 4335. Formerly RCW 85.04.110, part.]

---

**RCW 85.06.690****Additional improvements -- Right of eminent domain.**

In carrying out any of the foregoing powers, or any powers possessed by said district, it shall have the right of **eminent domain** to acquire any property or rights or interest therein, within or outside of the district, necessary for the use of such district for the construction and maintenance of any ditches, drains, dikes, dams, spillways, outlets, necessary appliances and structures in connection with the operation, alteration, enlargement, extension, or protection of its drainage system. The procedure for exercising the right of **eminent domain** shall be that provided by law for private corporations.

[1935 c 170 § 6; RRS § 4342-6. Formerly RCW 85.04.605, part.]



**NOTES:**

**Eminent domain** by corporations generally: Chapter 8.20 RCW.

---

**RCW 85.07.170****Additional powers relating to diking and drainage works -- Duties of department of transportation.**

(1) The commissioners of any drainage or diking district shall have power, on behalf of the district, to acquire, place, repair and maintain, dikes and dams, ditches, drains and outlets therefor, together with right of way therefor and access thereto, or obtain rights therein or full or joint use and maintenance thereof, when deemed by them necessary or beneficial for the protection of the district's system or its improvements, by **eminent domain**, purchase, or contract, with the owners or other districts through their commissioners, or other entities or persons together with power to contract by and with other districts or entities with reference to such matters and their performance.

(2) If the commissioners of any drainage or diking district determine that repair or maintenance is required on any drainage facilities, including dikes and dams, ditches, and drains and outlets, that are on land owned by or under the jurisdiction of the department of transportation, they may give notice in writing to the department requesting that the department make the necessary repair or maintenance pursuant to the department's obligations under RCW 47.01.260. If the specified repair or maintenance is not conducted by the department within fourteen days upon receipt of the notice, the district commissioners may independently make the repair or maintenance. The department shall then reimburse the district for all reasonable costs incurred by the district associated with the repair or maintenance.

(3) The provisions of this section shall be construed as cumulative and shall not derogate from any other powers authorized by law for such districts.

[2006 c 368 § 1; 1963 c 96 § 1.]

---

**RCW 85.08.190****Eminent domain -- Consolidation of actions.**

For the purpose of taking or damaging property for the purposes of this chapter, counties shall have and exercise the power of **eminent domain** in behalf of the proposed improvement district, and the mode of procedure therefor shall be as provided by law for the condemnation of lands by counties for public highways: PROVIDED, That the county, at its option, pursuant to resolution to that end duly passed by the board of county commissioners, may unite in a single action, proceedings for the acquisition and condemnation of different tracts of land required for rights of way which are held by separate owners. The court may, on motion of any party, consolidate into a single action separate suits for the condemnation of different tracts of land held by separate owners whenever from motives of economy or the expediting of business it appears advisable to do so. In such cases the jury shall render separate verdicts for the different tracts of land.

[1917 c 130 § 21; 1913 c 176 § 13; RRS § 4418.]

---

**RCW 85.15.110****Review by superior court -- Filing fees -- Bond -- Priority of cause.**

The county clerk shall charge the same filing fees for petitions for review as in civil actions. At the time of the filing of such a petition with the clerk, the appellant shall execute and file a bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of the court, conditioned upon his prosecuting his appeal without delay and to guarantee all costs which may be assessed against him by reason of such review. The court shall, on motion of either party to the cause, with notice to the other party, set the cause for trial at the earliest time available to the court, fixing a date for hearing and trial without a jury. The cause shall have preference over all civil actions pending in the court except **eminent domain** and forcible entry and detainer proceedings.

[1967 c 184 § 12.]

---

## **RCW 85.18.120**

### **Review by superior court -- Filing fee -- Bond -- Priority of cause.**

The county clerk shall charge the same filing fees for petitions for review as in civil actions. At the time of the filing of such petition with the clerk, the appellant shall execute and file a bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned upon his prosecuting his appeal without delay and to guarantee all costs which may be assessed against him by reason of such review. The court shall, on motion of either party to the cause, with notice to the other party, set said cause for trial at the earliest time available to the court, fixing a date for hearing and trial without a jury. Said cause shall have preference over all civil actions pending in said court except **eminent domain** and forcible entry and detainer proceedings.

[1951 c 45 § 13.]

---

## **Chapter 85.24 RCW**

### **DIKING AND DRAINAGE DISTRICTS IN TWO OR MORE COUNTIES**

#### **RCW SECTIONS**

85.24.010 Districts authorized -- Powers -- Designation.

85.24.015 Certain powers and rights governed by chapter 85.38 RCW.

85.24.025 Annexation of territory -- Consolidation of special districts -- Suspension of operations -- Reactivation.

85.24.065 Special assessments -- Budgets -- Alternative methods.

85.24.070 Board of commissioners -- Oath, bond -- Plan of improvement -- Levy of assessment, procedure.

85.24.071 Board of commissioners -- Power to conduct business, make contracts, etc.

85.24.073 Board of commissioners -- Construction and maintenance powers.

85.24.075 Board of commissioners -- Duties of board officers -- Quorum.

85.24.077 Board of commissioners -- Power to adjourn proceedings.

85.24.079 Board of commissioners -- Rules and regulations.

85.24.080 Board of commissioners -- Compensation and expenses -- Secretary's salary -- Affidavit of amounts.

- 85.24.130 Objections to assessment -- Procedure.
- 85.24.140 Judicial review.
- 85.24.150 Lien of assessments -- Notice and collection.
- 85.24.160 Payment of assessment without interest.
- 85.24.170 District treasurer -- Collection, remittance and disbursement of assessments.
- 85.24.180 Sale of property for delinquency -- Procedure -- Purchaser's interest.
- 85.24.190 Disposal by commissioners of lands not redeemed from sale -- Use of proceeds.
- 85.24.200 Reassessments.
- 85.24.220 Segregation of assessments.
- 85.24.235 Special assessment bonds.
- 85.24.240 Counties to contribute for benefits to roads, bridges, or health of people.
- 85.24.250 Municipality may contribute.
- 85.24.260 Acquisition of property -- **Eminent domain**.
- 85.24.261 **Eminent domain** -- Procedure.
- 85.24.263 **Eminent domain** -- Rights-of-way.
- 85.24.265 **Eminent domain** -- Against public lands.
- 85.24.270 Cities may be included in district.
- 85.24.275 Assessment of state lands.
- 85.24.280 Improvement of streams -- Scope of powers.
- 85.24.285 Improvement of streams -- Stream beds are property of district -- Disposition.
- 85.24.290 Service of notices on agent of owner.
- 85.24.310 Adjustment of indebtedness with the state.
- 85.24.900 Validation of existing districts -- 1923 c 140.

## NOTES:

Special district creation and operation: Chapter 85.38 RCW.

---

### **RCW 85.24.070**

**Board of commissioners -- Oath, bond -- Plan of improvement -- Levy of assessment, procedure.**

A three-member board of commissioners shall be the governing body of an intercounty diking and drainage district. The initial commissioners shall be appointed, and the elected commissioners elected, as provided in chapter 85.38 RCW.

The members of such board, before entering upon their duties, shall take and subscribe on oath substantially as follows:

State of Washington |  
 | ss.  
 County of ..... >  
 |  
 |

I, the undersigned, a member of the board of commissioners of the diking and drainage district No. . . . ., in . . . . . and . . . . . counties, do solemnly swear (or affirm) that I will faithfully discharge my duties as a member of the commission.

Upon the taking of such oath and the entering into a bond, as provided in RCW 85.38.080, the county legislative authority shall enter an order upon its records that the three persons named have qualified as the board of commissioners for diking and drainage district No. . . . ., in . . . . . and . . . . . counties, and that those persons and their successors do and shall constitute a board of commissioners for the diking and drainage district. The order when made shall be conclusive of the regularity of the election and qualification of the board of diking and drainage commissioners for the particular district, and the persons named therein shall constitute the board of diking and drainage commissioners.

The board of diking and drainage commissioners shall thereupon immediately organize and elect one of their number as chairman and may either appoint a voter of the district or another diking and drainage commissioner to act as secretary. The board shall then proceed to make and cause to be made specifications and details of a system which may be adopted by the board for the improvements to be made, together with an estimate of the total cost thereof; and shall, upon the adoption of the plan of improvement of the district, proceed to acquire the necessary property and property rights for the construction, establishment and maintenance of the system either by purchase or by power of **eminent domain** as hereinafter provided. Upon such acquisition being had, the board shall then proceed with the construction of the diking and drainage system and in doing so shall have the power to do the work directly or in its discretion to have all or any part of the work done by contract. In case the board shall decide upon doing the same by contract, it shall advertise for bids for the construction work, or such part thereof as they may determine to have done by contract, and shall have the authority to let a contract to the lowest responsible bidder after advertising for bids.

Any contractor doing work hereunder shall be required to furnish a bond as provided by the laws of the state of Washington relating to contractors of public work.

The board shall have the right, power and authority to issue vouchers or warrants in payment or evidence of payment of any and all expenses incurred under this chapter, and shall have the power to issue the same to any contractor as the work progresses, the same to be based upon the partial estimates furnished from time to time by engineers of the district. All warrants issued hereunder shall draw interest at a rate determined by the board.

Upon the completion of the construction of the system, and ascertainment of the total cost thereof including all compensation and damages and costs and expenses incident to the acquiring of the necessary property and property right, the board shall then proceed to levy an assessment upon the taxable real property within the district which the board may find to be specially benefited by the proposed improvements; and shall make and levy such assessment upon each piece, lot, parcel and separate tract of real estate in proportion to the particular and special benefits thereto. Upon determining the amount of the assessment against each particular tract of real estate as aforesaid, the commissioners shall make or cause to be made an assessment roll, in which shall appear the names of the owners of the

property assessed, so far as known, and a general description of each lot, block, parcel or tract of land within the district, and the amount assessed against the same, as separate, special or particular benefits. The board shall thereupon make an order setting and fixing a day for hearing any objections to the assessment roll by any one affected thereby, which day shall be at least twenty days after the mailing of notices thereof, postage prepaid, as herein provided. The board shall send or cause to be sent by mail to each owner of the premises assessed, whose name and place of residence is known, a notice, substantially in the following form:

To . . . . .: Your property (here describe the property) is assessed \$ . . . . . A hearing on the assessment roll will be had before the undersigned at the office of the board at . . . . . on the . . . . day of . . . . . at which time you are notified to be and appear and to make any and all objections which you may have as to the amount of the assessment against your property, or as to whether it should be assessed at all; and to make any and all objections which you may have to the assessment against your lands, or any part or portion thereof.

The failure to send or cause to be sent such notice shall not be fatal to the proceedings herein described. The secretary of the board on the mailing of the notices shall certify generally that he has mailed such notices to the known address of all owners, and such certificate shall be prima facie evidence of the mailing of all such notices at the date mentioned in the certificate.

The board shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places within the boundaries of the district, and by publishing the same at least five successive times in a daily newspaper published in each of the counties affected; and for at least two successive weeks in one or more weekly newspapers within the boundaries of the district, in each county if there are such newspapers published therein, and if there is no such newspaper published, then in one or more weekly newspapers, having a circulation in the district, for two successive weeks. The notice shall be signed by the chairman or secretary of the board of commissioners, and shall state the date and place of hearing of objections to the assessment roll and levy, and of all other objections; and that all interested parties will be heard as to any objection to the assessment roll and the levies as therein made.

[1985 c 396 § 53; 1981 c 156 § 26; 1923 c 140 § 4; 1909 c 225 § 5; RRS § 4365. FORMER PART OF SECTION: 1909 c 225 §§ 9, 11, 21, 28, 32 now codified as RCW 85.24.071, 85.24.073, 85.24.075, 85.24.077, and 85.24.079. Formerly RCW 85.24.070, 85.24.090, 85.24.100, 85.24.110, and 85.24.120.]

## NOTES:

**Severability -- 1985 c 396:** See RCW 85.38.900.

---

## RCW 85.24.260

### Acquisition of property -- Eminent domain.

The districts organized under the provisions of this chapter, and the commissioners appointed and qualified as such shall have the right of **eminent domain** with the power by and through the board of commissioners to condemn and cause to be condemned and appropriated private property for the use of said district in the construction and maintenance of the system of dikes, drains, flood dams and drift barriers, and for any other purpose proper, necessary and convenient for the purpose of carrying into effect the powers vested in said district and the commissioners thereof; and that the property of private corporations shall be subject to the same rights of **eminent domain** as private individuals. Said board of commissioners shall also have the power to acquire by purchase, in the name of the district, any and all real property necessary to make the improvements herein provided for.

[1909 c 225 § 10; RRS § 4370. FORMER PART OF SECTION: 1909 c 225 §§ 12, 20, 27, now codified as RCW 85.24.261, 85.24.263, and 85.24.265.]

### **RCW 85.24.261**

#### **Eminent domain -- Procedure.**

In the exercise of the right of **eminent domain**, all proceedings shall be prosecuted by the board of commissioners for and on behalf of the district, or in the name of the district itself, and such proceedings shall be conducted in the superior court of the county in which the lands sought to be condemned are situated, and shall be in the manner and in accordance with the procedure now provided by law regulating the mode of procedure to appropriate lands, real estate, or property by corporations for corporate purposes.

[1909 c 225 § 12; RRS § 4372. Formerly RCW 85.24.260, part.]

### **RCW 85.24.263**

#### **Eminent domain -- Rights-of-way.**

In the construction and maintenance of the improvements herein provided for, the said district may acquire by purchase or otherwise, and by the exercise of the right of **eminent domain**, any right-of-way through, over and across any property situated without said district which may be necessary or proper to the completion of the system of improvements.

[1909 c 225 § 20; RRS § 4380. Formerly RCW 85.24.260, part.]

### **RCW 85.24.265**

#### **Eminent domain -- Against public lands.**

Any district created hereunder is hereby granted the right to exercise the power of **eminent domain** against any lands or other property belonging to the state of Washington or any municipality thereof, and such power of **eminent domain** shall be exercised under and by the same procedure as is now, or may hereafter be, provided by the laws of this state for the exercise of the right of **eminent domain** by ordinary railroad corporations.

[1909 c 225 § 27; RRS § 4387. Formerly RCW 85.24.260, part.]

#### **NOTES:**

Corporations, **eminent domain**: Chapter 8.20 RCW.

Railroads, corporate powers: Chapter 81.36 RCW.

### **RCW 85.38.180**

#### **Special districts -- Powers.**

A special district may:

- (1) Engage in flood control activities, and investigate, plan, construct, acquire, repair, maintain, and

operate improvements, works, projects, and facilities necessary to prevent inundation or flooding from rivers, streams, tidal waters or other waters. Such facilities include dikes, levees, dams, banks, revetments, channels, canals, drainage ditches, tide gates, flood gates, and other works, appliances, machinery, and equipment.

(2) Engage in drainage control, storm water control, and surface water control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to control and treat storm water, surface water, and flood water. Such facilities include drains, flood gates, drainage ditches, tide gates, ditches, canals, nonsanitary sewers, pumps, and other works, appliances, machinery, and equipment.

(3) Engage in lake or river restoration, aquatic plant control, and water quality enhancement activities.

(4) Take actions necessary to protect life and property from inundation or flow of flood waters, storm waters, or surface waters.

(5) Acquire, purchase, condemn by power of **eminent domain** pursuant to chapters 8.08 and 8.25 RCW, or lease, in its own name, necessary property, property rights, facilities, and equipment.

(6) Sell or exchange surplus property, property rights, facilities, and equipment.

(7) Accept funds and property by loan, grant, gift, or otherwise from the United States, the state of Washington, or any other public or private source.

(8) Hire staff, employees, or services, or use voluntary labor.

(9) Sue and be sued.

(10) Cooperate with or join the United States, the state of Washington, or any other public or private entity or person for district purposes.

(11) Enter into contracts.

(12) Exercise any of the usual powers of a corporation for public purposes.

[2003 c 392 § 1; 1991 c 349 § 17; 1985 c 396 § 19.]

---

## Chapter 86.09 RCW FLOOD CONTROL DISTRICTS -- 1937 ACT

### RCW SECTIONS

86.09.001 Districts authorized -- Purpose.

86.09.004 Districts to provide control of water -- Territory includable -- Powers of district wholly within city or town.

86.09.010 Authorized purposes.

86.09.013 State school or other public lands includable.

- 86.09.016 Interest in public lands considered as private property -- State or public title not affected.
- 86.09.019 Federal lands includable.
- 86.09.020 Certain powers and rights governed by chapter 85.38 RCW.
- 86.09.148 District's corporate powers.
- 86.09.151 General powers of districts.
- 86.09.152 Exemption of farm and agricultural land from special benefit assessments.
- 86.09.154 Sale, lease, use of water by district.
- 86.09.157 Special assessment bonds authorized -- Payment from income.
- 86.09.160 Power of district to act for United States.
- 86.09.163 Contracts with United States or state -- Supervision of works.
- 86.09.166 Contracts with United States or state -- Control, management of works -- Contribution of funds.
- 86.09.169 Contracts with United States or state -- Bonds as security -- Annual assessment and levy.
- 86.09.172 Contracts with United States or state -- When submission to electors required.
- 86.09.175 Installment contracts -- Approval.
- 86.09.178 Construction contracts -- Public bids, procedure.
- 86.09.181 Contractor's bond.
- 86.09.196 Construction in parts or units -- Liability for assessment.
- 86.09.202 **Eminent domain** -- Authorized.
- 86.09.205 **Eminent domain** -- Procedure.
- 86.09.208 **Eminent domain** -- Consolidation of actions -- Separate verdicts.
- 86.09.211 **Eminent domain** -- Damages, how determined -- Judgment when damages exceed benefits.
- 86.09.214 **Eminent domain** -- Judgment, when benefits equal or exceed damages.
- 86.09.217 **Eminent domain** -- Right to levy on other land not affected.
- 86.09.220 **Eminent domain** -- Unpaid damages to be applied in satisfaction of levies -- Deficiency assessments.
- 86.09.223 **Eminent domain** -- Title and estate acquired.
- 86.09.226 Right of entry to make surveys and locate works.
- 86.09.229 Crossing road or public utility -- Notice, plan, cost, etc.
- 86.09.232 Right-of-way on state land, exception.
- 86.09.235 Power to construct works inside or outside of district.
- 86.09.259 Board of directors -- Number -- Officers.
- 86.09.265 Board of directors -- Quorum -- Majority vote required.
- 86.09.268 Board of directors -- Powers and duties.
- 86.09.271 Board of directors -- Location of district office -- Change of location.
- 86.09.274 Board of directors -- Meetings -- Change of date.



- 86.09.277 Board of directors -- Special meetings -- When notice required -- Authorized business.
- 86.09.280 Board of directors -- Meetings and records public -- Printing of bylaws and rules.
- 86.09.283 Board of directors -- Compensation and expenses of members and employees.
- 86.09.286 Board of directors -- Personal interest in contracts prohibited -- Penalty -- Officer may be employed.
- 86.09.292 Board of directors -- Chairman of county commissioners may act when quorum not present.
- 86.09.301 Board of directors -- Oath.
- 86.09.304 Bond of officer or employee handling funds.
- 86.09.307 Bonds -- Cost charged to district.
- 86.09.310 Delivery of property to successor.
- 86.09.313 Nearest county treasurer as ex officio district treasurer.
- 86.09.319 Treasurer's liability.
- 86.09.322 County treasurers to collect and remit assessments.
- 86.09.325 Disbursement of funds by district treasurer.
- 86.09.328 Monthly report by district treasurer.
- 86.09.377 Voting rights.
- 86.09.379 Elections -- Informality not fatal.
- 86.09.380 Special assessments -- Budgets -- Alternative methods.
- 86.09.382 Assessments -- Presumption that land benefited by class -- Benefit ratio basis of assessment.
- 86.09.385 Assessments -- Base map of lands within the district.
- 86.09.388 Assessments -- Appointment of appraisers -- Determination of benefit ratios.
- 86.09.391 Assessments -- Appraisers' board, chairman and secretary -- Compensation and expenses.
- 86.09.394 Assessments -- Classification of lands according to benefits -- Factors considered.
- 86.09.397 Assessments -- Classification of lands by appraisers -- Classes described.
- 86.09.400 Assessments -- Percentage of benefits to lands as classed -- Relative ratios.
- 86.09.403 Assessments -- Surveys, investigations to determine classification and benefits.
- 86.09.406 Assessments -- Permanency of ratios of benefits as fixed.
- 86.09.409 Assessments -- Alternative method of determining benefit ratios.
- 86.09.412 Assessments -- Alternative method, percentage shall fix the class.
- 86.09.415 Assessments -- Determining relative values -- General tax rolls.
- 86.09.418 Assessments -- Revision of benefit classification -- Appointment of reappraisers -- Effect of reexamination.
- 86.09.421 Assessments -- Descriptions of lands as appraised and classified -- Map and filing thereof.
- 86.09.424 Assessments -- Hearing on objections to assessment ratios -- Time -- Place.
- 86.09.427 Assessments -- Notice of hearing, publication.
- 86.09.430 Assessments -- Contents of notice of hearing.

- 86.09.433 Assessments -- Conduct of hearing -- Order.
- 86.09.439 Assessments -- Conclusiveness of base assessment map.
- 86.09.442 Assessments -- Copies of base assessment map to be filed with county assessors.
- 86.09.445 Assessments -- Levies to be made according to base assessment map.
- 86.09.448 Assessments -- Appeal to courts.
- 86.09.451 Assessments -- Notice of appeal.
- 86.09.454 Assessments -- Appeal -- Stay bond, when required.
- 86.09.457 Assessments -- Civil practice to apply -- Costs, liability of district.
- 86.09.460 Assessments -- Appeal from superior to supreme court.
- 86.09.463 Assessments -- County legislative authority's determination deemed prima facie correct on appeal.
- 86.09.466 Assessments -- District budget -- Approval -- Basis for assessment roll.
- 86.09.469 Assessments -- Assessment roll, contents -- Headings.
- 86.09.472 Assessments -- Margin for anticipated delinquencies.
- 86.09.475 Assessments -- How calculated.
- 86.09.478 Assessments -- Omitted property may be back-assessed.
- 86.09.481 Assessments -- Lands in more than one county.
- 86.09.484 Equalization of assessments -- Notice and time for meeting of board of equalization.
- 86.09.487 Equalization of assessments -- Meeting of directors as board, length of time -- Completion of roll.
- 86.09.489 Levy where total assessment less than two dollars.
- 86.09.490 Assessment lien -- Priority.
- 86.09.493 Payment of assessment -- Date of delinquency -- Notice to pay -- Assessment book -- Statements.
- 86.09.496 Delinquency list -- Posting and publication.
- 86.09.499 Sale for delinquent assessments -- Postponement.
- 86.09.502 Sale for delinquent assessments -- How conducted -- Certificate of sale -- District as purchaser -- Fee.
- 86.09.505 Sale for delinquent assessments -- Entries in assessment book -- Book open to inspection -- Lien vested in purchaser.
- 86.09.508 Sale for delinquent assessments -- Redemption, when and how made.
- 86.09.511 Sale for delinquent assessments -- Entry of redemption -- Deed on demand if not redeemed in two years -- Fee.
- 86.09.514 Sale for delinquent assessments -- Effect and validity of deed.
- 86.09.517 Sale for delinquent assessments -- Mistake, misnomer does not affect sale.
- 86.09.520 District lands exempt from general taxes -- Leasing, application of proceeds.
- 86.09.523 Liability of city, town or subdivision for benefits to roads, streets, or sewer systems.

- 86.09.526 Liability of public and private lands for benefits.
- 86.09.529 Assessment payment by city, county, subdivision -- Payment by state for highway benefit.
- 86.09.532 District funds -- Created.
- 86.09.535 District funds -- Expense fund -- Composition -- Use.
- 86.09.538 District funds -- Surplus fund -- Composition -- Use.
- 86.09.541 District funds -- Suspense fund -- Composition -- Use.
- 86.09.544 District funds -- General bond fund -- Composition -- Use.
- 86.09.547 District funds -- Utility bond fund -- Composition -- Use.
- 86.09.550 District funds -- Contract fund -- Composition -- Use.
- 86.09.553 District funds -- Custody and disbursement.
- 86.09.556 Claims against district.
- 86.09.559 Claims against district -- For administrative expenses, cost, maintenance -- Payroll.
- 86.09.562 District funds paid by warrant -- Exception.
- 86.09.565 Warrants paid in order of issuance.
- 86.09.592 Utility revenue bonds -- Authorized.
- 86.09.595 Utility revenue bonds -- Limited obligation -- Payment from special fund.
- 86.09.598 Utility revenue bonds -- Form, terms, interest, etc.
- 86.09.601 Utility revenue bonds -- Election to authorize.
- 86.09.616 Utility revenue bonds and coupons -- Order of payment -- When funds deficient.
- 86.09.619 District directors to make provision for payment -- Procedure on failure of directors.
- 86.09.621 Special assessment bonds.
- 86.09.622 Dissolution of districts -- Procedure.
- 86.09.625 Dissolution of districts -- When complete.
- 86.09.627 Disincorporation of district located in county with a population of two hundred ten thousand or more and inactive for five years.
- 86.09.700 Revision of district -- Petition.
- 86.09.703 Revision of district -- Establishment of revised district -- Review of benefits -- Liability of original district -- Segregation of funds.
- 86.09.710 Annexation of territory -- Consolidation of special districts -- Suspension of operations -- Reactivation.
- 86.09.720 Cooperative watershed management.
- 86.09.900 Other statutes preserved.
- 86.09.910 Chapter supplemental to other acts.
- 86.09.920 Chapter liberally construed.
- 86.09.930 Severability -- 1937 c 72.

**NOTES:**

Deferral of special assessments: Chapter 84.38 RCW.

Special district creation and operation: Chapter 85.38 RCW.

---

**RCW 86.09.151****General powers of districts.**

(1) Said flood control districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, improve, repair, occupy, and sell real and personal property or any interest therein, either inside or outside the boundaries of the district, to enter into and perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of **eminent domain**, to levy and enforce the collection of special assessments and in the manner herein provided against the lands within the district, for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this chapter.

(2) In addition to the powers conferred in this chapter and those in chapter 85.38 RCW, flood control districts may engage in activities authorized under RCW 36.61.020 for lake management districts using procedures granted in this chapter and in chapter 85.38 RCW.

[1986 c 278 § 52; 1937 c 72 § 51; RRS § 9663E-51. Formerly RCW 86.08.260, part.]

**NOTES:**

**Severability -- 1986 c 278:** See note following RCW 36.01.010.

---

**RCW 86.09.202****Eminent domain -- Authorized.**

The taking and damaging of property or rights therein or thereto by a flood control district to construct an improvement or to fully carry out the purposes of its organization are hereby declared to be for a public use, and any district organized under the provisions of this chapter, shall have and exercise the power of **eminent domain** to acquire any property or rights therein or thereto either inside or outside the operation of the district and outside the state of Washington, if necessary, for the use of the district.

[1937 c 72 § 68; RRS § 9663E-68. Formerly RCW 86.08.260, part.]

---

**RCW 86.09.205****Eminent domain -- Procedure.**

Flood control districts exercising the power of **eminent domain** shall proceed in the name of the district in the manner provided by law for the appropriation of real property or of rights therein or thereto, by private corporations, except as otherwise expressly provided herein.

[1937 c 72 § 69; RRS § 9663E-69. Formerly RCW 86.08.320, part.]

**NOTES:**

**Eminent domain** by private corporations generally: Chapter 8.20 RCW.

---

#### **RCW 86.09.208**

##### **Eminent domain -- Consolidation of actions -- Separate verdicts.**

The district may at its option unite in a single action proceedings to condemn, for its use, property which is held by separate owners. Two or more condemnation suits instituted separately may also, in the discretion of the court, be consolidated upon motion of any interested party, into a single action. In such cases, the jury shall render separate verdicts for the different tracts of land.

[1937 c 72 § 70; RRS § 9663E-70. Formerly RCW 86.08.320, part.]

---

#### **RCW 86.09.211**

##### **Eminent domain -- Damages, how determined -- Judgment when damages exceed benefits.**

The jury, or court if the jury be waived, in such condemnation proceedings shall find and return a verdict for the amount of damages sustained: PROVIDED, That the court or jury, in determining the amount of damages, shall take into consideration the special benefits, if any, that will accrue to the property damaged by reason of the improvement for which the land is sought to be condemned, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of special benefits that will accrue. If it shall appear by the verdict of findings, that the gross damages exceed said gross special benefits, judgment shall be entered against the district, and in favor of the owner or owners of the property damaged, in the amount of the excess of damages over said benefits, and for the costs of the proceedings, and upon payment of the judgment to the clerk of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the property appropriated in the district.

[1937 c 72 § 71; RRS § 9663E-71. Formerly RCW 86.08.330, part.]

---

#### **RCW 86.09.214**

##### **Eminent domain -- Judgment, when benefits equal or exceed damages.**

If it shall appear by the verdict that the gross special benefits equal or exceed the gross damages, judgment shall be entered against the district and in favor of the owner or owners for the costs only, and upon payment of the judgment for costs a decree of appropriation shall be entered vesting the title to the property in the district.

[1937 c 72 § 72; RRS § 9663E-72. Formerly RCW 86.08.330, part.]

---

#### **RCW 86.09.217**

##### **Eminent domain -- Right to levy on other land not affected.**

If the damages found in any condemnation proceedings are to be paid for from funds of the flood control district, no finding of the jury or court as to benefits or damages shall in any manner abridge the right of the district to levy and collect assessments for district purposes against the uncondemned lands situated within the district.

[1937 c 72 § 73; RRS § 9663E-73. Formerly RCW 86.08.340, part.]

---

**RCW 86.09.220****Eminent domain -- Unpaid damages to be applied in satisfaction of levies -- Deficiency assessments.**

The damages thus allowed but not paid shall be applied pro tanto to the satisfaction of the levies made for such construction costs upon the lands on account of which the damages were awarded:  
 PROVIDED, That nothing herein contained shall be construed to prevent the district from assessing the remaining lands of the owner or owners, so damaged, for deficiencies on account of the principal and interest on bonds and for other benefits not considered by the jury in the condemnation proceedings.

[1937 c 72 § 74; RRS § 9663E-74. Formerly RCW 86.08.340, part.]

**RCW 86.09.223****Eminent domain -- Title and estate acquired.**

The title acquired by the district in condemnation proceedings shall be the fee simple title or such lesser estate as shall be designated in the decree of appropriation.

[1937 c 72 § 75; RRS § 9663E-75. Formerly RCW 86.08.340, part.]

---

**Chapter 86.12 RCW  
FLOOD CONTROL BY COUNTIES**

**RCW SECTIONS****COUNTY FLOOD CONTROL**

86.12.010 County tax for river improvement fund -- Flood control maintenance account.

86.12.020 Authority to make improvements -- Condemnation.

86.12.030 **Eminent domain**, how exercised.

86.12.033 Expenses to be paid out of river improvement fund.

86.12.034 County entitled to abandoned channels, beds, and banks.

**IMMUNITY FROM LIABILITY**

86.12.037 Liability of county or counties to others.

**COMPREHENSIVE FLOOD CONTROL MANAGEMENT PLANS**

86.12.200 Comprehensive flood control management plan -- Elements.

86.12.210 Comprehensive flood control management plan -- Participation of local officials -- Arbitration of disputed issues.

86.12.220 Advisory committees.

**RCW 86.12.030****Eminent domain, how exercised.**

The taking and damaging of land, property or rights therein or thereto by any county, either inside or

outside of such county, for flood control purposes of the county is hereby declared to be for a public use. Such **eminent domain** proceedings shall be in the name of the county, shall be had in the county where the property is situated, and may unite in a single action proceedings to condemn for county use property held by separate owners, the jury to return separate verdicts for the several lots, tracts or parcels of land, or interest therein, so taken or damaged. The proceedings may conform to the provisions of \*sections 921 to 926, inclusive, of Remington's Revised Statutes, or to any general law now or hereafter enacted governing **eminent domain** proceedings by counties. The title so acquired by the county shall be the fee simple title or such lesser estate as shall be designated in the decree of appropriation. The awards in and costs of such proceedings shall be payable out of the river improvement fund.

[1941 c 204 § 10; 1907 c 66 § 3; Rem. Supp. 1941 § 9627.]

#### NOTES:

**\*Reviser's note:** "Sections 921 to 926, inclusive, of Remington's Revised Statutes" (except for section 923) are codified as RCW 8.20.010 through 8.20.080. Section 923 was repealed by 1935 c 115 § 1 but compare the first paragraph of RCW 8.28.010 relating to the same subject matter as the repealed section.

---

### Chapter 86.13 RCW FLOOD CONTROL BY COUNTIES JOINTLY

#### RCW SECTIONS

##### JOINT COUNTY CONTROL -- 1913 ACT

- 86.13.010 Boundary line rivers -- Contract to control.
- 86.13.020 Expenditure of funds -- Joint action generally.
- 86.13.030 Tax levy in each county -- Intercounty river improvement fund.
- 86.13.040 **Eminent domain** -- Procedure -- Acquisition by purchase authorized.
- 86.13.050 Joint county meeting -- Procedure.
- 86.13.060 Special commissioner -- Powers and duties -- Compensation.
- 86.13.070 Chapter not exclusive.
- 86.13.080 Liability as between counties.
- 86.13.090 Issuance of warrants.

##### JOINT COUNTY CONTROL -- SUPPLEMENTAL ACTS

- 86.13.100 Lease or disposal of property -- Disposition of proceeds.
- 86.13.110 State's title to abandoned channels granted to counties.

##### IMMUNITY FROM LIABILITY

- 86.13.120 Liability of county or counties to others.

---

#### RCW 86.13.040

**Eminent domain -- Procedure -- Acquisition by purchase authorized.**

When such a contract shall have been entered into the power of **eminent domain** is hereby vested in

each of such counties, to acquire any lands necessary to straighten, widen, deepen, dike or otherwise improve any such river, its tributaries or outlet or to strengthen the banks thereof, or to acquire any land adjacent to such river, or its tributaries, or the right to cut and remove timber upon the same for the purpose of preventing or lessening the falling of timber or brush into the waters of such river or tributaries, or to acquire any rock quarry, gravel deposit or timber for material for the prosecution of such improvement, together with the necessary rights of way for the same, or to acquire any dam site or other property necessary for flood control purposes. Any such land, property or rights may be acquired by purchase instead of by condemnation proceedings. Said right of **eminent domain** shall extend to lands or other property owned by the state or any municipality thereof. The title to any such lands, property or rights so acquired shall vest in the county in which situate for the benefit of such enterprise and said fund, but when said contract shall have terminated by lapse of time or for any other reason, then such title shall be held by such county independent of any claims whatsoever of the other county, but any material, equipment or other chattel property on hand shall be converted into money and the money divided between the two counties in the ratio of their respective contributions to the fund. The exercise of such rights of **eminent domain** or purchase shall rest in the joint control of the two boards of county commissioners. Such **eminent domain** proceedings shall be in the name of and had in the county where the property to be acquired is situate: PROVIDED, If either county shall fail or refuse to institute and prosecute any condemnation proceedings when directed so to do by any legal meeting provided for in RCW 86.13.050, such proceeding may be instituted and prosecuted by and in the name of the other county. The proceedings may conform to the provisions of \*sections 921 to 926, inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, or to any general law now or hereafter enacted governing **eminent domain** proceedings by counties. The awards in and costs of such proceedings shall be payable out of such funds. The purposes in this act specified are hereby declared to be county purposes of each and both of such counties.

[1937 c 117 § 1; 1913 c 54 § 4; RRS § 9654. Formerly RCW 86.12.060, part, and 86.12.070.]

## NOTES:

**\*Reviser's note:** "Sections 921 to 926, inclusive, of Remington & Ballinger's Annotated Codes and Statutes" (except for section 923) are codified as RCW 8.20.010 through 8.20.080. Section 923 was repealed by 1935 c 115 § 1 but compare the first paragraph of RCW 8.28.010 relating to the same subject matter as the repealed section.

---

## RCW 87.03.240

### Assessments, how and when made -- Assessment roll.

Assessments made in order to carry out the purpose of this act shall be made in proportion to the benefits accruing to the lands assessed and equitable credit shall be given to the lands having a partial or full water right: PROVIDED, That nothing herein shall be construed to affect or impair the obligation of any existing contract providing for a water supply to lands so assessed, unless the right under such contract shall first have been acquired by said district, and in acquiring such rights, the district may exercise the right of **eminent domain**.

The secretary must between the first Monday in March and the first Tuesday in November each year prepare an assessment roll with appropriate headings in which must be listed all the lands within the district. In such book must be specified, in separate columns, under the appropriate headings:

First, the name of the person to whom the property is assessed. If the name is not known to the secretary, the property shall be assessed to "unknown owners".



Second, land by township, range and section or fractional section, and when such land is not a legal subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, city and town lots, naming the city or town, and the number and block according to the system of numbering in such city or town.

Assessors' plat tax numbers used by county assessors for general state and county taxes in the county where such land is situate may be used for such identification in such assessment roll.

Third, in further columns with appropriate headings shall be specified the ratio of benefits, or, when deemed by the secretary more practicable, the per acre value, or the amount of benefits, for general and special district and local improvement district purposes, and the total amount assessed against each tract of land.

Any property which may have escaped assessment for any year or years, shall in addition to the assessment for the then current year, be assessed for such year or years with the same effect and with the same penalties as are provided for such current year and any property delinquent in any year may be directly assessed during the current year for any expenses caused the district on account of such delinquency.

Where the district embraces lands lying in more than one county the assessment roll shall be so arranged that the lands lying in each county shall be segregated and grouped according to the county in which the same are situated.

[1933 c 43 § 3; 1921 c 129 § 11; 1919 c 180 § 7; 1917 c 162 § 4; 1915 c 179 § 10; 1913 c 165 § 9; 1895 c 165 § 8; 1889-90 p 681 § 18; RRS § 7436. Formerly RCW 87.32.010, part and 87.32.020.]

## NOTES:

### Assessments

districts under contract with United States: Chapter 87.68 RCW.

when delinquent -- Notice -- Collection: RCW 87.03.270.

Certain excess lands, assessments against (director districts): RCW 87.04.100.

Director districts -- Limit of levy until water is received (federal contracts): RCW 87.04.090.

District elections (assessment roll): RCW 87.03.040.

**Eminent domain:** RCW 87.03.140 through 87.03.150.

Evidence of assessment, what is: RCW 87.03.420.

## RCW 87.80.130

### Powers of board of joint control -- Limitation.

(1) A board of joint control created under the provisions of this chapter shall have full authority within its area of jurisdiction to enter into and perform any and all necessary contracts; to accept grants and loans, including, but not limited to, those provided under chapters 43.83B and 43.99E RCW, to appoint and employ and discharge the necessary officers, agents, and employees; to sue and be sued as a board but without personal liability of the members thereof in any and all matters in which all the irrigation

entities represented on the board as a whole have a common interest without making the irrigation entities parties to the suit; to represent the entities in all matters of common interest as a whole within the scope of this chapter; and to do any and all lawful acts required and expedient to carry out the purposes of this chapter. A board of joint control may, subject to the same limitations as an irrigation district operating under chapter 87.03 RCW, acquire any property or property rights for use within the board's area of jurisdiction by power of **eminent domain**; acquire, purchase, or lease in its own name all necessary real or personal property or property rights; and sell, lease, or exchange any surplus real or personal property or property rights. Any transfers of water, however, are limited to transfers authorized under subsection (2) of this section.

(2)(a) A board of joint control is authorized and encouraged to pursue conservation and system efficiency improvements to optimize the use of appropriated waters and to either redistribute the saved water within its area of jurisdiction, or transfer the water to others, or both. A redistribution of saved water as an operational practice internal to the board of joint control's area of jurisdiction, may be authorized if it can be made without detriment or injury to rights existing outside of the board of control's area of jurisdiction, including instream flow water rights established under state or federal law.

(b) Prior to undertaking a water conservation or system efficiency improvement project that will result in a redistribution of saved water, the board of joint control must consult with the department of ecology and, if the board's jurisdiction is within a United States reclamation project, the board must obtain the approval of the bureau of reclamation. The purpose of such consultation is to assure that the proposal will not impair the rights of other water holders or bureau of reclamation contract water users.

(c) A board of joint control does not have the power to authorize a change of any water right that would change the point or points of diversion, purpose of use, or place of use outside the board's area of jurisdiction, without the approval of the department of ecology pursuant to RCW 90.03.380 and, if the board's jurisdiction is within a United States reclamation project, the approval of the bureau of reclamation. Any change in place of use that results from a transfer of water between the individual entities of the board of joint control shall not result in any reduction in the total water supply available in a federal reclamation project. In making the determination of whether a change of place of use in an area covered by a federal reclamation project will result in a reduction in the total water supply available, the board of joint control shall consult with the bureau of reclamation.

(d) The board of joint control shall notify the department of ecology, and any Indian tribe requesting notice, of transfers of water between the individual entities of the board of joint control. This subsection (2)(d) applies only to a board of joint control created after January 1, 2003.

(3) A board of joint control is authorized to design, construct, and operate either drainage projects, or water quality enhancement projects, or both.

(4) Where the board of joint control area of jurisdiction is totally within a federal reclamation project, the board is authorized to accept operational responsibility for federal reserved works.

(5) Nothing contained in this chapter gives a board of joint control the authority to abridge the existing rights, responsibilities, and authorities of an individual irrigation entity or others within the area of jurisdiction; nor in a case where the board of joint control consists of representatives of two or more divisions of a federal reclamation project shall the board of joint control abridge any powers of an existing board of control created through federal contract; nor shall a board of joint control have any authority to abridge or modify a water right benefiting lands within its area of jurisdiction without consent of the party holding the ownership interest in the water right.

(6) A board of joint control created under this chapter may not use any authority granted to it by this chapter or by RCW 90.03.380 to authorize a transfer of or change in a water right or to authorize a redistribution of saved water before July 1, 1997.

[2003 c 306 § 3; 1998 c 84 § 2; 1996 c 320 § 11; 1949 c 56 § 12; Rem. Supp. 1949 § 7505-31.]

---

## Chapter 89.30 RCW RECLAMATION DISTRICTS OF ONE MILLION ACRES

### RCW SECTIONS

- 89.30.001 District authorized -- Area not less than one million acres -- No fees.
- 89.30.004 Lands in one or more counties.
- 89.30.007 General purposes of district.
- 89.30.010 Petition -- Filing.
- 89.30.013 Petition -- Contents.
- 89.30.016 Public lands of state may be included.
- 89.30.019 Interest in public lands treated as private property -- Public title unaffected, liens barred.
- 89.30.022 Federal lands may be included.
- 89.30.025 Possessory interest in federal lands -- Water rent, credit for prior payment.
- 89.30.028 Petitioners to describe their lands -- Petitioners deemed owners thereof.
- 89.30.031 Proof of ownership by tax roll.
- 89.30.034 Petition on separate sheets -- Withdrawals.
- 89.30.037 Correction of deficient petition.
- 89.30.040 Conflicting petitions -- Largest territory considered first.
- 89.30.043 Order for hearing -- Notice.
- 89.30.046 Publication of notice.
- 89.30.049 Contents of notice.
- 89.30.052 Copy of notice to each member of commission.
- 89.30.055 Commission -- Creation -- Composition.
- 89.30.058 Commission -- Chairman -- Clerk -- Quorum.
- 89.30.061 Commission -- Clerk not to vote unless tie.
- 89.30.064 Commission -- General powers.
- 89.30.067 Commission -- Adjournments.
- 89.30.070 Commission -- Expenses.
- 89.30.073 Hearing on petition -- Place.
- 89.30.076 Hearing on petition -- Proof of notice.
- 89.30.079 Hearing on petition -- Consideration of petition -- Evidence.

- 89.30.082 Hearing on petition -- Boundaries to be fixed.
- 89.30.085 Hearing on petition -- Name -- Election to be ordered.
- 89.30.088 Order for election to county auditors.
- 89.30.091 Records of commission to be preserved.
- 89.30.094 Election -- How conducted -- Qualifications of electors.
- 89.30.097 Election -- Notice, contents -- Ballots.
- 89.30.100 Election -- Canvass of returns.
- 89.30.103 Order organizing district.
- 89.30.106 Order organizing district -- Copy to be filed with county commissioners of other counties.
- 89.30.109 Certified statement to be filed for record.
- 89.30.112 When creation complete -- Proceedings conclusive, exception.
- 89.30.115 District liable for formation costs.
- 89.30.118 Change of name procedure -- Effect.
- 89.30.121 District is political subdivision.
- 89.30.124 Judgments against district -- When chargeable against improvement and divisional districts.
- 89.30.127 District a corporate body -- Powers.
- 89.30.130 Powers -- In general.
- 89.30.133 Powers -- Improvement and divisional districts, purposes.
- 89.30.136 Powers -- Development, sale, use, etc., of water or electric energy.
- 89.30.139 Powers -- Bonds payable from income.
- 89.30.142 Powers -- Sale or lease of water -- Drains -- Land settlement.
- 89.30.145 Powers -- Fiscal agent for United States.
- 89.30.148 Surety bond from contractor.
- 89.30.151 Payments under contracts -- Retained percentage.
- 89.30.154 Contracts -- Public bidding -- Notice.
- 89.30.157 Contracts with United States or any state for construction, etc.
- 89.30.160 Contracts with United States or state of Washington -- Assumption of control or management.
- 89.30.163 Contracts with United States or state of Washington -- Bonds as payment or security -- Levy for interest or payment.
- 89.30.166 Contracts with United States or state of Washington -- Submission of contracts to electors.
- 89.30.169 Contracts with United States or state of Washington -- Election procedure.
- 89.30.172 Contracts with United States or state of Washington -- Liability of district for improvement and divisional district obligations.
- 89.30.175 Drainage system -- Authorization -- Notice -- Hearing.
- 89.30.178 Drainage system -- Powers.

- 89.30.181 Drainage system -- Benefit to public road or city sewer system -- Assessment.
- 89.30.184 **Eminent domain** -- Authorized.
- 89.30.187 **Eminent domain** -- Procedure.
- 89.30.190 **Eminent domain** -- Joinder, consolidation of actions -- Separate verdicts.
- 89.30.193 **Eminent domain** -- Damages and benefits -- Judgment when damages exceed benefits, costs.
- 89.30.196 **Eminent domain** -- Damages and benefits -- Judgment for costs when benefits equal or exceed damages.
- 89.30.199 **Eminent domain** -- Levy on uncondemned lands unaffected.
- 89.30.202 **Eminent domain** -- Verdict and findings binding as to levy.
- 89.30.205 **Eminent domain** -- Damages applied pro tanto to satisfy levies.
- 89.30.208 **Eminent domain** -- Title acquired.
- 89.30.211 Right of entry to make surveys, etc.
- 89.30.214 Right to construct across streams, highways, railways, etc. -- Duty to restore.
- 89.30.217 Right to construct across streams, highways, railways, etc. -- Railroads to cooperate.
- 89.30.220 Right to construct across streams, highways, railways, etc. -- Disagreements, how determined.
- 89.30.223 Right-of-way on state lands.
- 89.30.226 Board of directors -- Composition.
- 89.30.229 Board of directors -- Term of office.
- 89.30.232 Director districts.
- 89.30.235 Director districts -- Geographical boundaries -- Designation.
- 89.30.238 First board -- Appointment.
- 89.30.241 First board -- Term.
- 89.30.244 First directors -- Election.
- 89.30.247 First directors -- Nominations.
- 89.30.250 First directors -- Terms.
- 89.30.253 Directors -- Term.
- 89.30.256 Directors -- Vacancies.
- 89.30.259 Directors -- Oath -- Bond.
- 89.30.262 Secretary's oath and bond.
- 89.30.265 Additional official bonds when fiscal agent of United States.
- 89.30.268 Additional official bonds when fiscal agent of United States -- Suit on.
- 89.30.271 Official bonds, cost of.
- 89.30.274 Directors -- Organization -- President, secretary.
- 89.30.277 District office.

- 89.30.280 District office -- Change of location.
- 89.30.283 Directors -- Regular meetings, change of day.
- 89.30.286 Directors -- Special meetings -- Notice -- Business permissible.
- 89.30.289 Directors -- Meetings and records public.
- 89.30.292 Directors -- Quorum -- Action by majority.
- 89.30.295 Directors -- Seal, bylaws, rules.
- 89.30.298 Compensation of directors, officers, employees.
- 89.30.301 Interest in contracts prohibited -- Penalty.
- 89.30.304 Delivery of records, etc., to successor.
- 89.30.307 Employees on termination to deliver records to board -- Penalty.
- 89.30.310 County treasurer is ex officio district treasurer.
- 89.30.313 Liability of county treasurers.
- 89.30.316 County treasurers to collect assessments.
- 89.30.319 Funds to be deposited with county treasurer.
- 89.30.322 Claims against district.
- 89.30.325 Disbursement of funds by county treasurer.
- 89.30.328 Treasurer's monthly report.
- 89.30.331 Secretary's monthly report of expenditures.
- 89.30.334 Elections -- When general held.
- 89.30.337 Elections -- When special held.
- 89.30.340 Elections -- How noticed and conducted.
- 89.30.343 Elections -- Voting precincts.
- 89.30.346 Elections -- Polling places.
- 89.30.349 Elections -- Polls outside district precinct.
- 89.30.352 Elections -- List of registered voters.
- 89.30.355 Elections -- Certification of propositions.
- 89.30.358 Elections -- Ballots to be separate.
- 89.30.361 Elections -- Checking names of voters against registration list.
- 89.30.364 Elections -- Returns -- Canvassing boards.
- 89.30.367 Elections -- Abstract of result.
- 89.30.370 Elections -- District board to tabulate abstracts and declare result.
- 89.30.373 Director district to be represented on board.
- 89.30.376 Election of subsequent directors.
- 89.30.379 Director district elections.
- 89.30.382 Declaration of candidacy for board -- Fee.

- 89.30.385 Ballots for director.
- 89.30.388 District elections -- Primary law not to apply.
- 89.30.391 Annual tax -- Authorization.
- 89.30.394 Annual tax -- How equalized and levied.
- 89.30.397 Annual tax -- How collected.
- 89.30.400 Debt limit -- General.
- 89.30.403 Exceeding debt limit -- Procedure.
- 89.30.412 General obligation bonds -- Authorized.
- 89.30.427 Special fund from fixed income -- Bonds payable from special fund -- Contract to purchase or lease electricity -- Powers of reclamation district conferred.
- 89.30.430 Special fund from fixed income -- Contents -- Pledge of income -- Not district obligation.
- 89.30.433 Special fund from fixed income -- Maturity -- Form -- Interest rates.
- 89.30.436 General improvement districts -- Authorized.
- 89.30.439 General improvement districts -- Resolution, survey and investigation.
- 89.30.442 General improvement districts -- Cost of survey and investigation -- Limitation of levy.
- 89.30.445 General improvement districts -- Board may make survey and investigation.
- 89.30.448 General improvement districts -- Contract with state or United States for survey and investigation.
- 89.30.451 General improvement districts -- Report on survey and investigation -- Estimate of cost.
- 89.30.454 General improvement districts -- Notice for hearing on report.
- 89.30.457 General improvement districts -- Contents of notice for hearing.
- 89.30.460 General improvement districts -- Hearing -- Adjournments.
- 89.30.463 General improvement districts -- Objections and evidence at hearing.
- 89.30.466 General improvement districts -- Change of plans.
- 89.30.469 General improvement districts -- Order on approval.
- 89.30.472 General improvement districts -- Findings conclusive, exception.
- 89.30.475 General improvement districts -- Special benefits deemed continuing.
- 89.30.478 General improvement districts -- Powers of board -- Act on behalf of improvement or divisional district not to render reclamation district liable.
- 89.30.481 Power of board as to assessments in improvement or divisional districts.
- 89.30.484 Divisional districts -- Authorized.
- 89.30.487 Divisional districts -- Powers of board, officers and electors.
- 89.30.490 Divisional districts -- Organization.
- 89.30.493 Divisional districts -- Liability.
- 89.30.496 Divisional districts -- Assessments, contracts, etc.
- 89.30.499 Exclusion of nonirrigable lands from general improvement or divisional districts -- Petition

-- Prior obligations.

- 89.30.502 Exclusion of nonirrigable lands from general improvement or divisional districts -- Time for hearing -- Notice.
- 89.30.505 Exclusion of nonirrigable lands from general improvement or divisional districts -- Hearing.
- 89.30.508 Exclusion of nonirrigable lands from general improvement or divisional districts -- Levy to pay bonds preserved.
- 89.30.511 Exclusion of nonirrigable lands from general improvement or divisional districts -- Unconditional relief -- Effect.
- 89.30.514 Exclusion of nonirrigable lands from general improvement or divisional districts -- Power to reduce assessments.
- 89.30.517 Negotiable bonds of general improvement or divisional district -- Authorized.
- 89.30.520 Negotiable bonds of general improvement or divisional district -- Form, contents, payment, interest.
- 89.30.523 Negotiable bonds of general improvement or divisional district -- Obligation of improvement and divisional district -- Reclamation district not obligated -- Deferred assessments.
- 89.30.526 Negotiable bonds of general improvement or divisional district -- Election, how conducted.
- 89.30.529 Negotiable bonds of general improvement or divisional district -- Election precincts and officials.
- 89.30.532 Negotiable bonds of general improvement or divisional district -- Contents of notice of election.
- 89.30.535 Negotiable bonds of general improvement or divisional district -- Notice and election in nonassessable area.
- 89.30.538 Negotiable bonds of general improvement or divisional district -- Mailing returns -- Canvass.
- 89.30.541 Negotiable bonds of general improvement or divisional district -- Abstract of election results.
- 89.30.544 Negotiable bonds of general improvement or divisional district -- Resolution authorizing issuance of bonds.
- 89.30.547 Negotiable bonds of general improvement or divisional district -- Sale or exchange price.
- 89.30.550 Negotiable bonds of general improvement or divisional district -- Pledge of bonds to United States.
- 89.30.553 Negotiable bonds of general improvement or divisional district -- Public or private sale -- Payment in property, labor, etc.
- 89.30.556 Negotiable bonds of general improvement or divisional district -- Negotiability -- Execution.
- 89.30.565 Negotiable bonds of general improvement or divisional district -- Moneys paid to county treasurer.
- 89.30.568 Negotiable bonds of general improvement or divisional district -- Bonds paramount lien on moneys in fund.
- 89.30.571 Assessments in general improvement or divisional district -- Annual ad valorem basis.



- 89.30.574 Assessments in general improvement or divisional district -- Assessment roll.
- 89.30.577 Assessments in general improvement or divisional district -- Contents of assessment roll.
- 89.30.580 Assessments in general improvement or divisional district -- Basis of valuation.
- 89.30.583 Assessments in general improvement or divisional district -- Valuation of lands not on tax roll.
- 89.30.586 Assessments in general improvement or divisional district -- Values on roll are conclusive, when.
- 89.30.589 Assessments in general improvement or divisional district -- Assessments for prior years -- Expense for delinquencies.
- 89.30.592 Assessments in general improvement or divisional district -- Roll to segregate lands as to counties.
- 89.30.595 Assessments in general improvement or divisional district -- Roll to district board -- Notice of equalization.
- 89.30.598 Assessments in general improvement or divisional district -- Time for equalization meeting -- Inspection of roll.
- 89.30.601 Assessments in general improvement or divisional district -- Hearing before equalization board -- Authority.
- 89.30.604 Assessments in general improvement or divisional district -- Changes on roll to be noted -- Completed roll to county treasurers.
- 89.30.607 Assessments in general improvement or divisional district -- Annual levy for bonds and interest.
- 89.30.610 Assessments in general improvement or divisional district -- Levy for contracts with state or United States or for other charges.
- 89.30.613 Assessments in general improvement or divisional district -- Levy for delinquencies.
- 89.30.616 Assessments in general improvement or divisional district -- Collected assessments to constitute designated special funds.
- 89.30.619 Assessments in general improvement or divisional district -- Procedure on failure to deliver roll -- Preparation, equalization, levy by county commissioners.
- 89.30.622 Assessments in general improvement or divisional district -- Manner and effect of levy by county commissioners -- Expenses.
- 89.30.625 Assessments in general improvement or divisional district -- County treasurer may perform duties of district secretary, when.
- 89.30.628 Assessments in general improvement or divisional district -- Lien of assessment, when attaches.
- 89.30.631 Assessments in general improvement or divisional district -- Assessment lien paramount -- When extinguished.
- 89.30.634 Assessments in general improvement or divisional district -- When assessments due and payable -- Delinquency date.
- 89.30.637 Assessments in general improvement or divisional district -- When assessment delinquent -- Interest rate.
- 89.30.640 Installment payments -- Delinquency.

- 89.30.643 Installment payments -- Assessment book -- Contents.
- 89.30.646 Installment payments -- Entry of payments -- Receipt.
- 89.30.649 Installment payments -- Statement of assessments levied to be furnished on request.
- 89.30.652 Installment payments -- County treasurers to make monthly remittances to district treasurer.
- 89.30.655 Delinquency and sale in general improvement and divisional districts -- List to be posted.
- 89.30.658 Delinquency and sale in general improvement and divisional districts -- Notice of delinquency, contents, posting.
- 89.30.661 Delinquency and sale in general improvement and divisional districts -- Publication of list of posted places and notice of sale.
- 89.30.664 Delinquency and sale in general improvement and divisional districts -- Publication of notices -- Contents -- Time and place of sale.
- 89.30.667 Delinquency and sale in general improvement and divisional districts -- Sale of land for delinquency.
- 89.30.670 Delinquency and sale in general improvement and divisional districts -- How conducted.
- 89.30.673 Delinquency and sale in general improvement and divisional districts -- Postponement of sale.
- 89.30.676 Delinquency and sale in general improvement and divisional districts -- Designation of portion to be sold -- Sale by parts.
- 89.30.679 Delinquency and sale in general improvement and divisional districts -- Resale upon purchaser's default.
- 89.30.682 Delinquency and sale in general improvement and divisional districts -- Reclamation district as purchaser.
- 89.30.685 Delinquency and sale in general improvement and divisional districts -- Entry of sale when district is purchaser -- Credit.
- 89.30.688 Delinquency and sale in general improvement and divisional districts -- Rights of district as purchaser.
- 89.30.691 Delinquency and sale in general improvement and divisional districts -- Deed to district in absence of redemption -- Conveyance.
- 89.30.694 Delinquency and sale in general improvement and divisional districts -- Resolution to convey property acquired by district -- Price.
- 89.30.697 Delinquency and sale in general improvement and divisional districts -- Lease of property acquired by district.
- 89.30.700 Delinquency and sale in general improvement and divisional districts -- Disposition of proceeds of sale or lease by district.
- 89.30.703 Delinquency and sale in general improvement and divisional districts -- Reconveyance to person entitled to redemption, when.
- 89.30.706 Delinquency and sale in general improvement and divisional districts -- Certificate of sale in duplicate, contents.
- 89.30.709 Delinquency and sale in general improvement and divisional districts -- Certificate of sale -- Form, filing, delivery.

- 89.30.712 Delinquency and sale in general improvement and divisional districts -- Certificate of sale may include several tracts.
- 89.30.715 Delinquency and sale in general improvement and divisional districts -- Entry of sale in assessment book, inspection -- Filing certificate.
- 89.30.718 Delinquency and sale in general improvement and divisional districts -- Lien of assessment vested in purchaser -- When divested.
- 89.30.721 Delinquency and sale in general improvement and divisional districts -- Redemption of property sold.
- 89.30.724 Delinquency and sale in general improvement and divisional districts -- Redemption in coin to treasurer -- To whom credited.
- 89.30.727 Delinquency and sale in general improvement and divisional districts -- Entry of redemption in book and on certificate.
- 89.30.730 Delinquency and sale in general improvement and divisional districts -- Deed in absence of redemption, contents.
- 89.30.733 Delinquency and sale in general improvement and divisional districts -- Fee for deed -- Several parcels may be included in one deed.
- 89.30.736 Delinquency and sale in general improvement and divisional districts -- Recitals in deed -- Evidentiary effect.
- 89.30.739 Delinquency and sale in general improvement and divisional districts -- Deed conclusive, exception.
- 89.30.742 Delinquency and sale in general improvement and divisional districts -- Title conveyed by deed.
- 89.30.745 Delinquency and sale in general improvement and divisional districts -- Probative force of assessment book and delinquency list.
- 89.30.748 Delinquency and sale in general improvement and divisional districts -- Sale not avoided by misnomer or mistake as to ownership.
- 89.30.751 Foreclosure of lien for general taxes -- Payment in full or sale subject to assessments due.
- 89.30.754 Liability of county for assessments after sale to county for general taxes.
- 89.30.757 Sale of county lands for delinquent assessments.
- 89.30.760 Special assessments by general improvement or divisional district -- Authorization by electors.
- 89.30.763 Special assessments by general improvement or divisional district -- Levy and collection.
- 89.30.766 Special assessments by general improvement or divisional district -- Proposition to be submitted to electors.
- 89.30.769 Special assessments by general improvement or divisional district -- Election, how called, conducted, etc.
- 89.30.772 Special assessments by general improvement or divisional district -- Notice of election -- Ballots.
- 89.30.775 Special assessments by general improvement or divisional district -- Indebtedness authorized.
- 89.30.778 Special assessments by general improvement or divisional district -- Notes -- Terms.

- 89.30.781 Special assessments by general improvement or divisional district -- Notes payable exclusively by assessments.
- 89.30.784 Special assessments by general improvement or divisional district -- Interest on notes.
- 89.30.787 Tolls for electricity and water -- Collection, deposit.
- 89.30.790 Tolls for electricity and water -- Toll collector's bond.
- 89.30.793 Jurisdiction of courts.
- 89.30.796 Jurisdiction of courts -- Petition for judicial determination.
- 89.30.799 Jurisdiction of courts -- Contents of petition.
- 89.30.802 Jurisdiction of courts -- Notice of hearing of petition.
- 89.30.805 Jurisdiction of courts -- Notice, how given and published.
- 89.30.808 Jurisdiction of courts -- Demurrer or answer to petition.
- 89.30.811 Jurisdiction of courts -- Rules which govern.
- 89.30.814 Jurisdiction of courts -- Motion and order for new trial.
- 89.30.817 Jurisdiction of courts -- Action in rem -- Power of court.
- 89.30.820 Jurisdiction of courts -- Errors disregarded -- Approval in whole or part.
- 89.30.823 Jurisdiction of courts -- Conclusiveness of judgment.
- 89.30.826 Jurisdiction of courts -- Costs.
- 89.30.829 Jurisdiction of courts -- Time for appeal.
- 89.30.832 Liberal construction.
- 89.30.835 Severability -- 1927 c 254.

### **RCW 89.30.130**

#### **Powers -- In general.**

Said reclamation districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, occupy, and sell real and personal property or any interest therein, to enter into and perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of **eminent domain**, to levy and enforce the collection of taxes and special assessments in the manner herein provided against the lands within the district, for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this chapter.

[1927 c 254 § 44; RRS § 7402-44. Formerly RCW 89.20.310.]

### **RCW 89.30.184**

#### **Eminent domain -- Authorized.**

The taking and damaging of property or rights therein or thereto by a reclamation district to construct an improvement or to fully carry out the purposes of its organization are hereby declared to be for a public use, and any district organized under the provisions of this chapter, shall have and exercise the power of **eminent domain** to acquire any property or rights therein or thereto either inside or outside the

operation of the district and outside the state of Washington if necessary, for the use of the district.

[1927 c 254 § 62; RRS § 7402-62. Formerly RCW 89.22.800.]

### **RCW 89.30.187**

#### **Eminent domain -- Procedure.**

Reclamation districts exercising the power of **eminent domain** shall proceed in the name of the district in the manner provided by law for the appropriation of real property or of rights therein or thereto, by private corporations, except as otherwise expressly provided herein.

[1927 c 254 § 63; RRS § 7402-63. Formerly RCW 89.22.810.]

### **RCW 89.30.190**

#### **Eminent domain -- Joinder, consolidation of actions -- Separate verdicts.**

The district may at its option unite in a single action proceedings to condemn, for its use, property which is held by separate owners. Two or more condemnation suits instituted separately may also, in the discretion of the court, be consolidated upon motion of any interested party, into a single action. In such cases, the jury shall render separate verdicts for the different tracts of land.

[1927 c 254 § 64; RRS § 7402-64. Formerly RCW 89.22.820.]

### **RCW 89.30.193**

#### **Eminent domain -- Damages and benefits -- Judgment when damages exceed benefits, costs.**

The jury, or the court if the jury be waived, in such condemnation proceedings shall find and return a verdict for the amount of damages sustained: PROVIDED, That the court or jury, in determining the amount of damages, shall take into consideration the special benefits, if any, that will accrue to the property damaged by reason of the improvement for which the land is sought to be condemned, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of special benefits that will accrue. If it shall appear by the verdict or findings, that the gross damages exceed said gross special benefits, judgment shall be entered against the district, and in favor of the owner or owners of the property damaged, in the amount of the excess of damages over said special benefits, and for the costs of the proceedings, and upon payment of the judgment to the clerk of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the property appropriated in the district.

[1927 c 254 § 65; RRS § 7402-65. Formerly RCW 89.22.830.]

### **RCW 89.30.196**

#### **Eminent domain -- Damages and benefits -- Judgment for costs when benefits equal or exceed damages.**

If it shall appear by the verdict that the gross special benefits equal or exceed the gross damages, judgment shall be entered against the district and in favor of the owner or owners for the costs only, and upon payment of the judgment for costs a decree of appropriation shall be entered, vesting the title to the

property in the district.

[1927 c 254 § 66; RRS § 7402-66. Formerly RCW 89.22.840.]

### **RCW 89.30.199**

#### **Eminent domain -- Levy on uncondemned lands unaffected.**

If the damages found in any condemnation proceedings are to be paid for from funds of the reclamation district, no finding of the jury or court as to benefits or damages shall in any manner abridge the right of the district to levy and collect taxes for district purposes against the uncondemned lands situated within the reclamation district.

[1927 c 254 § 67; RRS § 7402-67. Formerly RCW 89.22.850.]

### **RCW 89.30.202**

#### **Eminent domain -- Verdict and findings binding as to levy.**

If the damages found in any condemnation proceedings are to be paid for from special assessments levied in behalf of any general improvement or divisional district, the verdict and findings of the court or jury as to damages and benefits shall be binding upon the board of directors of the district in their levy of assessments to pay the cost of the system or improvements on behalf of which the condemnation was had, as herein provided.

[1927 c 254 § 68; RRS § 7402-68. Formerly RCW 89.22.860.]

### **RCW 89.30.205**

#### **Eminent domain -- Damages applied pro tanto to satisfy levies.**

The damages thus allowed but not paid shall be applied pro tanto to the satisfaction of the levies made for such construction costs upon the lands on account of which the damages were awarded: PROVIDED, That nothing herein contained shall be construed to prevent the district from assessing the remaining lands of the owner or owners, so damaged, for deficiencies on account of the principal and interest on bonds and for other benefits not considered by the jury in the condemnation proceedings.

[1927 c 254 § 69; RRS § 7402-69. Formerly RCW 89.22.870.]

### **RCW 89.30.208**

#### **Eminent domain -- Title acquired.**

The title acquired by the reclamation district in condemnation proceedings shall be the fee simple title or such lesser estate as shall be designated in the decree of appropriation and in case such proceedings are brought in behalf of any general improvement or divisional district, the reclamation district shall hold title to lands so acquired as trustee for said general improvement or divisional district as the case may be.

[1927 c 254 § 70; RRS § 7402-70. Formerly RCW 89.22.880.]

---

**RCW 89.30.220**

**Right to construct across streams, highways, railways, etc. -- Disagreements, how determined.**

If such railroad company and said board or the owners or controllers of said property, thing or franchise so to be crossed, cannot agree upon the amount to be paid therefor or the points or manner of said crossings or intersections, the same shall be ascertained and determined in all respects as herein provided for the taking of land under the power of **eminent domain**.

[1927 c 254 § 74; RRS § 7402-74. Formerly RCW 89.20.380.]

---

**RCW 90.03.040****Eminent domain -- Use of water declared public use.**

The beneficial use of water is hereby declared to be a public use, and any person may exercise the right of **eminent domain** to acquire any property or rights now or hereafter existing when found necessary for the storage of water for, or the application of water to, any beneficial use, including the right to enlarge existing structures employed for the public purposes mentioned in this chapter and use the same in common with the former owner, and including the right and power to condemn an inferior use of water for a superior use. In condemnation proceedings the court shall determine what use will be for the greatest public benefit, and that use shall be deemed a superior one: PROVIDED, That no property right in water or the use of water shall be acquired hereunder by condemnation for irrigation purposes, which shall deprive any person of such quantity of water as may be reasonably necessary for the irrigation of his land then under irrigation to the full extent of the soil, by the most economical method of artificial irrigation applicable to such land according to the usual methods of artificial irrigation employed in the vicinity where such land is situated. In any case, the court shall determine what is the most economical method of irrigation. Such property or rights shall be acquired in the manner provided by law for the taking of private property for public use by private corporations.

[1917 c 117 § 4; RRS § 7354. Formerly RCW 90.04.030.]

**NOTES:**

**Eminent domain** by corporations: Chapter 8.20 RCW.

**Chapter 90.16 RCW****APPROPRIATION OF WATER FOR PUBLIC AND INDUSTRIAL PURPOSES****RCW SECTIONS**

90.16.010 Appropriation by certain water companies.

90.16.020 Appropriation for industrial purposes.

90.16.025 Appropriation for industrial purposes -- Procedure.

90.16.030 Right of **eminent domain** by water power companies.

90.16.040 Right of **eminent domain** by water power companies -- Right of entry.

90.16.045 Right of **eminent domain** by water power companies -- Procedure.

90.16.050 Schedule of fees for claimants of water power.

90.16.060 Schedule of fees for claimants of water power -- Statement of claim -- Penalties -- Excessive claim -- Abandonment.

90.16.090 Disposition of fees.

90.16.100 Appropriation of lands by corporations conveying water.

90.16.110 Water for use outside state.

90.16.120 Water for use outside state -- Reciprocity.

**NOTES:**



Use of waters for irrigation, mining, manufacturing, deemed a public use: State Constitution Art. 21.

---

### **RCW 90.16.030**

#### **Right of eminent domain by water power companies.**

The right of **eminent domain** for the purpose of appropriating real estate is hereby extended to all corporations that are now or that may hereafter be incorporated under the laws of this state, or of any state or territory of the United States and doing business in this state, for the purpose of conveying water by ditches, flumes, pipe lines, tunnels or any other means for the utilization of water power: PROVIDED, HOWEVER, That said right of **eminent domain** shall not be exercised in respect to any residence or business structure or structures.

[1901 c 143 § 1; RRS § 11572. FORMER PART OF SECTION: 1901 c 143 § 3; RRS § 11574, now codified as RCW 90.16.045.]

---

### **RCW 90.16.040**

#### **Right of eminent domain by water power companies -- Right of entry.**

Every corporation that is now or that may hereafter be incorporated under the laws of this state, or of any other state or territory of the United States and doing business in this state, for the purpose of conveying water by ditches, flumes, pipe lines, tunnels or any other means for the utilization of water power, shall have the right to enter upon any land between the termini of the proposed ditches, flumes, pipe lines, tunnels or any other means for the utilization of water power, for the purpose of examining, locating and surveying such ditches, flumes, pipe lines, tunnels or any other means for the utilization of water power, doing no unnecessary damage thereby.

[1901 c 143 § 2; RRS § 11573.]

---

### **RCW 90.16.045**

#### **Right of eminent domain by water power companies -- Procedure.**

Every such corporation shall have the right, subject to the proviso contained in RCW 90.16.030 to appropriate real estate or other property for a right-of-way for such ditches, flumes, pipe lines, tunnels or other means of conveying water, and for any other corporate purposes, in the same manner and under the same procedure as now is or may be hereafter provided by law in the case of other corporations authorized by the laws of the state to exercise the right of **eminent domain**.

[1901 c 143 § 3; RRS § 11574. Formerly RCW 90.16.030, part.]

#### **NOTES:**

**Eminent domain** by corporations: Chapter 8.20 RCW.

---

## **Chapter 90.40 RCW WATER RIGHTS OF UNITED STATES**

### **RCW SECTIONS**

90.40.010 **Eminent domain** by the United States.

90.40.020 Right to use water courses.

90.40.030 Notice and certificate, effect of.

90.40.040 Appropriation of water -- Title to beds and shores.

90.40.050 Reservation of needed lands -- Procedure.

90.40.060 Restrictions on sale of state lands within project.

90.40.070 Federal water users' association -- Exemption from fees.

90.40.080 Federal water users' association -- Records by county auditor.

90.40.090 Permit for Grand Coulee project.

90.40.100 Columbia Basin Project -- Water appropriated pursuant to RCW 90.40.030 -- Periodic renewal not required.

## **RCW 90.40.010**

### **Eminent domain by the United States.**

The United States is hereby granted the right to exercise the power of **eminent domain** to acquire the right to the use of any water, to acquire or extinguish any rights, and to acquire any lands or other property, for the construction, operation, repairs to, maintenance or control of any plant or system of works for the storage, conveyance, or use of water for irrigation purposes, and whether such water, rights, lands or other property so to be acquired belong to any private party, association, corporation or to the state of Washington, or any municipality thereof; and such power of **eminent domain** shall be exercised under and by the same procedure as now is or may be hereafter provided by the law of this state for the exercise of the right of **eminent domain** by ordinary railroad corporations, except that the United States may exercise such right in the proper court of the United States as well as the proper state court.

[1905 c 88 § 1; RRS § 7408.]

### **NOTES:**

Condemnation by corporations: Chapter 8.20 RCW.

**Eminent domain**, railroads -- Corporate powers and duties: RCW 81.36.010.

Special railroad **eminent domain** proceedings: RCW 8.20.140, 28B.20.330, 81.36.020, 81.36.060, 81.52.040, 81.53.180.

## **RCW 90.80.060**

### **Board powers -- Funding.**

(1) A water conservancy board may acquire, purchase, hold, lease, manage, occupy, and sell real and personal property or any interest therein, enter into and perform all necessary contracts, appoint and employ necessary agents and employees and fix their compensation, employ contractors including contracts for professional services, sue and be sued, and do any and all lawful acts required and expedient to carry out the purposes of this chapter.

(2) A board constitutes an independently funded entity, and may provide for its own funding as determined by the commissioners. The board may accept grants and may adopt fees for processing

applications for transfers of water rights to fund the activities of the board. A board may not impose taxes or acquire property by the exercise of **eminent domain**.

[1997 c 441 § 7.]

---

## Chapter 91.08 RCW PUBLIC WATERWAYS

### RCW SECTIONS

- 91.08.010 Public waterways authorized.
- 91.08.020 Accessible lands defined.
- 91.08.030 Petition -- By whom signed -- Contents -- Notice of filing -- Discharge of proceedings.
- 91.08.060 Cost bond filed with petition.
- 91.08.070 Petition may be amended -- Order for hearing -- Notice -- Record.
- 91.08.080 Hearing -- Findings -- Order.
- 91.08.090 Board's powers and duties -- In general -- County immune from expense.
- 91.08.100 Board's powers and duties -- Right of **eminent domain**.
- 91.08.110 Bridging part of cost.
- 91.08.120 **Eminent domain** -- Order to acquire or condemn property.
- 91.08.130 **Eminent domain** -- Petition to condemn.
- 91.08.140 **Eminent domain** -- Summons.
- 91.08.150 **Eminent domain** -- Service in case of public lands -- Legal counsel.
- 91.08.160 **Eminent domain** -- Finding of public use -- Jury -- Dismissal.
- 91.08.170 **Eminent domain** -- New parties may be admitted.
- 91.08.180 **Eminent domain** -- Jury may view property.
- 91.08.190 **Eminent domain** -- Measure of damage to buildings.
- 91.08.200 **Eminent domain** -- Findings as interests appear -- Interpleader.
- 91.08.210 **Eminent domain** -- Procedure after findings.
- 91.08.220 **Eminent domain** -- Substitution of new owner as defendant.
- 91.08.230 **Eminent domain** -- Guardian ad litem.
- 91.08.240 **Eminent domain** -- Damage irrespective of benefits.
- 91.08.250 **Eminent domain** -- Finality of judgment -- Appellate review -- Waiver of review.
- 91.08.260 **Eminent domain** -- Decree of appropriation.
- 91.08.270 Assessment procedure -- Petition -- Assessment commissioners.
- 91.08.280 Assessment procedure -- Oath and compensation of commissioners.
- 91.08.290 Assessment procedure -- Apportionment of assessment.

- 91.08.300 Assessment procedure -- Assessment roll.
- 91.08.310 Assessment procedure -- Order for hearing on roll -- Notice.
- 91.08.320 Assessment procedure -- Proof of service of notice.
- 91.08.330 Assessment procedure -- Cause may be continued.
- 91.08.340 Assessment procedure -- Hearing -- Findings -- Judgment.
- 91.08.350 Assessment procedure -- Roll may be recast -- New commissioners.
- 91.08.360 Assessment procedure -- Judgment separate as to each tract -- Effect of appeal.
- 91.08.370 Assessment procedure -- Roll certified to treasurer -- Interest on assessment upon appeal.
- 91.08.380 Assessment procedure -- Notice of filing roll.
- 91.08.390 Payment of assessment -- Alternate methods.
- 91.08.400 Payment of assessment -- Record of payment without interest.
- 91.08.410 Payment of assessment -- Installments -- Collection.
- 91.08.420 Payment of assessment -- Record of installment payments.
- 91.08.430 Payment of assessment -- Payment in full or in part -- Interest -- Segregation.
- 91.08.440 Payment of assessment -- Interest on last installment.
- 91.08.450 Payment of assessment -- Land taken for public use.
- 91.08.460 Payment of assessment -- Treasurer's report.
- 91.08.465 Bonds -- Authorized -- Purposes for issuance.
- 91.08.480 Bonds -- Terms, form, interest, execution.
- 91.08.485 Bonds -- Sale or exchange for par value.
- 91.08.490 Bonds -- Sale of.
- 91.08.500 Bonds -- Payment.
- 91.08.510 Bonds -- Recourse of owner limited to special assessment -- Bond to so state.
- 91.08.520 Invalidity of assessments -- Reassessment.
- 91.08.530 Construction -- Contractor's bond -- Bidder's deposit -- Claims.
- 91.08.540 Construction -- Installment payments -- Reserve.
- 91.08.550 Warrants.
- 91.08.560 Warrants -- Payment.
- 91.08.570 Public lands not devoted to public use to be treated as private lands.
- 91.08.575 Public lands not devoted to public use to be treated as private lands -- Assessment.
- 91.08.580 Appellate review.
- 91.08.590 Payment of assessments by satisfying judgment.
- 91.08.600 Purchase of filling material.
- 91.08.610 Surplus money in district fund transferred to road fund.
- 91.08.620 Unclaimed funds, disposal of.

91.08.630 Waterways as highways -- Control of.

91.08.640 Fees for serving process.

91.08.650 Enforcement.

91.08.660 Construction -- 1911 c 23.

---

**RCW 91.08.100****Board's powers and duties -- Right of eminent domain.**

Said board shall have the right of **eminent domain** for the acquisition of lands necessary to the construction or widening of the proposed waterway, and may cause all necessary lands to be condemned and appropriated or damaged for the use of said waterway, and make just compensation therefor. The private property of the state, the county, and other public or quasi-public corporations (except incorporated cities and towns), and of private corporations, shall be subject to the same rights of **eminent domain** at the suit of said board as the property of private individuals.

[1911 c 23 § 8; RRS § 9784.]

---

**RCW 91.08.120****Eminent domain -- Order to acquire or condemn property.**

Whenever the said board shall desire to condemn and acquire land, or damage lands or property for any purpose authorized by this chapter, said board shall make an order therefor wherein it shall be provided that such land or damages shall be paid for wholly by special assessment upon the property within said waterway district, and the proceeding thereafter shall be as herein specified.

[1911 c 23 § 10; RRS § 9786.]

---

**RCW 91.08.130****Eminent domain -- Petition to condemn.**

The board shall file a petition, verified by its chairman and signed by the prosecuting attorney, in the superior court of the county, praying that the property described may be taken or damaged for the purpose specified and that compensation therefor be ascertained by a jury or by the court in case a jury be waived. Such petition shall allege the creation of the waterway district and contain a copy of the order directing the proceeding, a reasonably accurate description of the lots or parcels of land or other property which will be taken or damaged, and the names of the owners and occupants of said lands and of said persons having any interest therein so far as known to the said board, or as appears from the records in the office of the county auditor.

[1911 c 23 § 11; RRS § 9787.]

---

**RCW 91.08.140****Eminent domain -- Summons.**

Upon the filing of the petition aforesaid a summons returnable as summons in other civil actions, shall be issued and served upon the persons made parties defendant, together with a copy of the petition, as in

other civil actions; and in case any of the defendants are unknown or reside out of the state, a summons for publication shall issue and publication be made and return and proof thereof be made in the same manner as is or shall be provided by the laws of the state for service upon nonresident or unknown defendants in other civil actions. Notice so given by publication shall be sufficient to authorize the court to hear and determine the suit as though all parties had been sued by their proper names and had been personally served.

[1911 c 23 § 12; RRS § 9788.]

#### **NOTES:**

Civil procedure -- Commencement of actions: Chapter 4.28 RCW.

---

#### **RCW 91.08.150**

##### **Eminent domain -- Service in case of public lands -- Legal counsel.**

In case the land or other property sought to be taken or damaged is state land, the summons and copy of petition shall be served upon the commissioner of public lands; if it is county land it shall be served upon the county auditor, and if school land, upon the county auditor and the chairman of the board of directors of the school district. Service upon other parties defendant, public or private, shall be made in the same manner as is or shall be provided by law for service of summons in other civil actions. If the state is made a defendant the attorney general shall represent it. If the county is a defendant the court shall appoint an attorney to represent it at all stages of the proceedings, and may allow him compensation for his services as costs of the proceeding.

[1911 c 23 § 13; RRS § 9789.]

#### **NOTES:**

Civil procedure -- Commencement of actions: Chapter 4.28 RCW.

Department of natural resources to exercise powers and duties -- Indemnification of private parties: RCW 43.30.411.

**Eminent domain** where state land is involved: RCW 8.28.010.

Public lands treated as private lands: RCW 91.08.570.

---

#### **RCW 91.08.160**

##### **Eminent domain -- Finding of public use -- Jury -- Dismissal.**

Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition and shall adjudicate whether the proposed condemnation is for a public use, and if its judgment is that the proposed use is public, it shall empanel a jury to ascertain the just compensation to be paid for the lands or property taken or damaged, unless a jury be waived; but if any defendant or party in interest shall demand, and the court shall deem it proper, separate juries may be empaneled as to the separate compensation or damages to be paid to any one or more of such defendants or parties in interest. Should the court determine that the proposed use is not public, it shall dismiss the proceeding.

[1911 c 23 § 14; RRS § 9790.]

---

**RCW 91.08.170****Eminent domain -- New parties may be admitted.**

The jury or court shall also ascertain the just compensation to be paid to any person found to have an interest in any lot or parcel of land or property which may be taken or damaged for such improvement, whether or not such person's name or such lot or parcel of land or other property is mentioned or described in said petition: PROVIDED, That such person shall first be admitted as a party defendant to such suit by such court and shall file a statement of his interest in, and a description of, the lot or parcel of land or other property in respect to which he claims compensation.

[1911 c 23 § 15; RRS § 9791.]

**NOTES:**

Procedure after findings: RCW 91.08.210.

Substitute defendant: RCW 91.08.220.

---

**RCW 91.08.180****Eminent domain -- Jury may view property.**

The court may upon motion of the petitioners, or of any defendant, direct that the jury under the charge of an officer of the court and accompanied by such person or persons as may be appointed by the court to point out the property sought to be taken or damaged, shall view the lands or property taken or damaged for the proposed improvement.

[1911 c 23 § 16; RRS § 9792.]

---

**RCW 91.08.190****Eminent domain -- Measure of damage to buildings.**

If there be any building standing in whole or in part upon any land to be taken, the jury or court shall add to the finding of the value of the land taken, the value or damage to such building as the case may require. If the entire building is taken, or if it is damaged so that it cannot be readjusted to premises of the owner, then the measure of damages shall include the fair market value of the building. If part of the building is taken, or it is damaged but can be readjusted or replaced on premises of the owner, then the measure of damages shall be the cost of readjusting or moving the building or part thereof left, together with the depreciation in the market value of said building by reason of said readjustment or moving.

[1911 c 23 § 17; RRS § 9793.]

---

**RCW 91.08.200****Eminent domain -- Findings as interests appear -- Interpleader.**

If the land and buildings belong to different parties, or if the title to the property be divided into different interests by lease or otherwise, the damage done to each of such parties or interests may be separately found by the jury or court on the written request of any party. And in making such findings the jury or court shall first find and set forth the total amount of the damage to said lands and buildings and all

premises therein, estimating the same as an entire estate and as if the same were the sole property of one owner in fee simple; and they shall then apportion the damages so found among the several parties entitled to the same in proportion to their several interests and claims. But no delay in ascertaining the amount of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property or any part thereof, or as to the extent of the interest of any defendant in the property to be taken or damaged, but in such case the jury or court shall ascertain the entire compensation or damage that should be paid for the property and the court may thereafter require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained, and may make such order as may be necessary in regard to the deposit or payment of such compensation and the division thereof.

[1911 c 23 § 18; RRS § 9794.]

### **RCW 91.08.210**

#### **Eminent domain -- Procedure after findings.**

Upon the filing of the findings of the jury or court, the proceedings of the court regarding new trial and the entry of judgment thereon, shall be the same as in other civil actions, and the judgment shall be such as the nature of the case may require. The final judgment of the court shall be that the lands and property taken and damaged shall, upon payment of the sums awarded, vest in the county as and for a public waterway. The court shall continue or adjourn the case from time to time as to all defendants named in such petition who shall not have been served with process or brought in by publication, and new summons may issue or new publication be made at any time, and upon such defendants being brought in the court may empanel a jury to ascertain the compensation so to be made to such defendants for property taken or damaged, or may proceed without a jury if none be demanded, and like proceedings shall be had for such purpose as are herein provided.

[1911 c 23 § 19; RRS § 9795.]

#### **NOTES:**

Civil procedure

judgments: Chapters 4.56 through 4.64, 4.72 RCW.

new parties may be admitted: RCW 91.08.170.

new trials: Chapter 4.76 RCW.

### **RCW 91.08.220**

#### **Eminent domain -- Substitution of new owner as defendant.**

The court shall have power at any time, upon proof that any defendant who has not been served with process has ceased to be an owner since the filing of such petition, to substitute the new owner as a defendant, and after due service of the summons and petition upon him proceed as though he had been a party in the first instance; and the court may upon any finding of the jury, or at any time during the course of the proceedings, enter every such order, rule, judgment or decree as the nature of the case may require.

[1911 c 23 § 20; RRS § 9796.]

#### **NOTES:**



New parties may be admitted: RCW 91.08.170.

Procedure after findings: RCW 91.08.210.

---

#### **RCW 91.08.230**

##### **Eminent domain -- Guardian ad litem.**

When it shall appear from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, insane or distracted person is interested in any property that is to be taken or damaged, the court shall appoint a guardian ad litem for such infant or insane or distracted person to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant or insane or distracted person in such property, or the compensation which shall be awarded therefor.

[1911 c 23 § 21; RRS § 9797.]

---

#### **RCW 91.08.240**

##### **Eminent domain -- Damage irrespective of benefits.**

The compensation to be ascertained by the jury or court shall be irrespective of any benefit from the improvement proposed, and the finding shall state separately the value of land taken from any tract and the damage, if any, to remaining land by reason of the severance.

[1911 c 23 § 22; RRS § 9798.]

---

#### **RCW 91.08.250**

##### **Eminent domain -- Finality of judgment -- Appellate review -- Waiver of review.**

Any final judgment rendered by said court upon the findings of the court or a jury, shall be the lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases: PROVIDED, That in case any defendant recovers no award, no costs shall be taxed. Such judgment shall be final and conclusive as to the damages caused by such improvement, unless appellate review is sought, and no review shall delay proceedings under the order of said board if it shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs; but such board after making such payment into court shall be liable to such owner or owners, or parties interested, for the payment of any further compensation which may at any time be finally awarded to such parties seeking review in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor and abide any rule or order of the court in relation to the matter in controversy. In case of review by the supreme court or the court of appeals of the state, the money so paid into the superior court by the board, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property, accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively appellate review and final judgment may be rendered in the superior court as in other cases.

[1988 c 202 § 94; 1971 c 81 § 180; 1911 c 23 § 23; RRS § 9799.]

#### **NOTES:**

**Rules of court:** Cf. RAP 2.5(b).

**Severability -- 1988 c 202:** See note following RCW 2.24.050.

Appellate review: RCW 91.08.580.

Civil procedure -- Costs: Chapter 4.84 RCW.

---

**RCW 91.08.260**

**Eminent domain -- Decree of appropriation.**

The court upon proof that the judgment, together with costs, has been paid to the person entitled thereto, or has been paid into court, shall enter an order that the board shall have the right at any time thereafter to take possession of or damage the property in respect to which such compensation shall have been so made or paid into court as aforesaid, and thereupon the title to any property so taken shall be vested in fee simple in the public as a water highway.

[1911 c 23 § 24; RRS § 9800.]

---

**RCW 91.08.570**

**Public lands not devoted to public use to be treated as private lands.**

State, school, county, school district, and other lands belonging to other public corporations which will be benefited by the construction, deepening or widening of any such waterway, and which are not devoted to public use, shall be subject to the provisions of this chapter, and the owners thereof by and through the proper authorities, shall be made parties in all proceedings affecting said lands, and shall have the same rights and be liable to the same right of **eminent domain** as the lands of private persons or corporations.

[1911 c 23 § 56; RRS § 9832. FORMER PART OF SECTION: 1911 c 23 § 57; RRS § 9833, now codified as RCW 91.08.575.]

**NOTES:**

**Eminent domain** procedure -- Service in case of public lands: RCW 91.08.150.

---

**Query: (CONTENT contains "condemn\*" & "property")**

- ☐ **TITLE 8 RCW (RCW)**  
**EMINENT DOMAIN**
- ☐ **CHAPTER 8.04 RCW (RCW)**  
**EMINENT DOMAIN BY STATE**
- ☒ **RCW 8.04.080 (RCW)**  
Order to direct determination of damages and offsetting benefits.
- ☒ **RCW 8.04.090 (RCW)**  
Order for immediate possession -- Payment of tender into court.
- ☒ **RCW 8.04.097 (RCW)**  
Acquisition when several ownerships.
- ☒ **RCW 8.04.100 (RCW)**  
Cases may be consolidated for trial.
- ☒ **RCW 8.04.170 (RCW)**  
Condemnation for military purposes.
- ☒ **RCW 8.08.010 (RCW)**  
Condemnation authorized for general county purposes -- Petition.
- ☒ **RCW 8.08.090 (RCW)**  
Appropriation authorized in aid of federal or state improvement.
- ☒ **RCW 8.08.110 (RCW)**  
Tax levy to pay costs.
- ☐ **CHAPTER 8.12 RCW (RCW)**  
**EMINENT DOMAIN BY CITIES**
- ☒ **RCW 8.12.030 (RCW)**  
Condemnation authorized -- Purposes enumerated.
- ☒ **RCW 8.12.040 (RCW)**  
Ordinance to specify method of payment -- Limitations.
- ☒ **RCW 8.12.050 (RCW)**  
Petition for condemnation.
- ☒ **RCW 8.12.200 (RCW)**  
Judgment -- Appellate review -- Payment of award into court.
- ☒ **RCW 8.20.140 (RCW)**  
Appropriation of railway right-of-way through canyon, pass, or defile.
- ☒ **RCW 8.20.150 (RCW)**  
Prior entry with consent -- Condemnation avoids ouster.
- ☒ **RCW 8.20.160 (RCW)**  
Three-year occupancy -- Condemnation avoids ouster.
- ☒ **RCW 8.20.170 (RCW)**  
Suit for compensation by owner equivalent to condemnation.
- ☒ **CHAPTER 8.24 RCW (RCW)**  
**PRIVATE WAYS OF NECESSITY**
- ☒ **RCW 8.24.015 (RCW)**  
Joinder of surrounding property owners authorized.
- ☒ **RCW 8.24.030 (RCW)**  
Procedure for condemnation -- Fees and costs.
- ☒ **CHAPTER 8.25 RCW (RCW)**  
**ADDITIONAL PROVISIONS APPLICABLE TO EMINENT DOMAIN PROCEEDINGS**
- ☒ **RCW 8.25.010 (RCW)**  
Pretrial statement of compensation to be paid in event of settlement.
- ☒ **RCW 8.25.020 (RCW)**  
Payment to defray costs of evaluating offer -- Amount.
- ☒ **RCW 8.25.070 (RCW)**

**Award of attorney's fees and witness fees to condemnee -- Conditions to award.**

- ☒ **RCW 8.25.073 (RCW)**  
Award of costs in air space corridor acquisitions -- Conditions.
- ☒ **RCW 8.25.075 (RCW)**  
Costs -- Award to condemnee or plaintiff -- Conditions.
- ☒ **RCW 8.25.210 (RCW)**  
Special benefits to remaining property -- Purpose.
- ☒ **RCW 8.25.230 (RCW)**  
Special benefits to remaining property -- Satisfaction or release of lien -- Trial -- Expiration of lien by operation of law.
- ☒ **RCW 8.25.250 (RCW)**  
Special benefits to remaining property -- Attorney fees -- Witness fees.
- ☒ **RCW 8.25.260 (RCW)**  
Special benefits to remaining property -- Lien foreclosure proceedings -- Stay.
- ☒ **RCW 8.25.270 (RCW)**  
Appointment of guardian ad litem for minors, alleged incapacitated persons -- Protection of interests.
- ☒ **RCW 8.26.010 (RCW)**  
Purposes and scope.
- ☒ **RCW 8.26.180 (RCW)**  
Acquisition procedures.
- ☒ **RCW 8.26.200 (RCW)**  
Expenses incidental to transfer of right, title, or interest to the acquiring agency.
- ☒ **RCW 8.26.205 (RCW)**  
Effect on certain property acquisitions.
- ☒ **CHAPTER 8.28 RCW (RCW)**  
**MISCELLANEOUS PROVISIONS**
- ☒ **RCW 8.28.030 (RCW)**  
Notice where military land is involved.
- ☒ **RCW 8.28.050 (RCW)**  
City in adjoining state may condemn watershed property.
- ☒ **RCW 14.07.020 (RCW)**  
Acquisition of property -- Eminent domain -- Exemption.
- ☒ **RCW 14.08.030 (RCW)**  
Acquisition of property and easements -- Eminent domain -- Encroachments prohibited.
- ☒ **RCW 14.08.080 (RCW)**  
Method of defraying cost.
- ☒ **RCW 14.08.200 (RCW)**  
Joint operations.
- ☒ **RCW 14.12.220 (RCW)**  
Acquisition of air rights.
- ☒ **CHAPTER 15.08 RCW (RCW)**  
**HORTICULTURAL PESTS AND DISEASES**
- ☒ **RCW 15.08.050 (RCW)**  
Condemnation of infected property -- Disposal of, unlawful.
- ☒ **RCW 15.08.060 (RCW)**  
Condemnation of infected property -- Notice to owner -- Division into classes.
- ☒ **RCW 15.08.070 (RCW)**  
Condemnation of infected property -- Use of condemned fruit, vegetables -- Permit.
- ☒ **RCW 15.08.080 (RCW)**  
Condemnation of infected property -- Service of notice -- Personal, constructive, substituted.

Query: (CONTENT contains "condemn\*" & "property")

- ☒ RCW 15.08.090 (RCW)  
Condemnation of infected property -- Duty to comply -- Inspector's duty on failure -- Lien for costs.
- ☒ RCW 17.24.121 (RCW)  
Acquisition of lands, water supply, or other properties for quarantine locations.
- ☒ RCW 17.28.160 (RCW)  
Powers of district.
- ☐ TITLE 28A RCW (RCW)  
COMMON SCHOOL PROVISIONS
- ☒ RCW 28A.335.220 (RCW)  
Eminent domain.
- ☐ TITLE 28B RCW (RCW)  
HIGHER EDUCATION
- ☒ RCW 28B.10.020 (RCW)  
Acquisition of property by universities and The Evergreen State College.
- ☐ CHAPTER 28B.20 RCW (RCW)  
UNIVERSITY OF WASHINGTON
- ☐ CHAPTER 28B.30 RCW (RCW)  
WASHINGTON STATE UNIVERSITY
- ☒ TITLE 35 RCW (RCW)  
CITIES AND TOWNS
- ☒ RCW 35.21.020 (RCW)  
Auditoriums, art museums, swimming pools, etc. -- Power to acquire.
- ☒ RCW 35.21.418 (RCW)  
Hydroelectric reservoir extending across international boundary -- Commission -- Powers.
- ☒ RCW 35.23.440 (RCW)  
Specific powers enumerated.
- ☒ RCW 35.30.020 (RCW)  
Sewer systems -- Sewer fund.
- ☒ RCW 35.41.010 (RCW)  
Special funds -- Authorized -- Composition.
- ☒ RCW 35.43.042 (RCW)  
Authority to establish utility local improvement districts -- Procedure.
- ☒ RCW 35.48.010 (RCW)  
Special revolving fund for delinquent nonguaranteed bonds and warrants -- Composition.
- ☒ RCW 35.48.030 (RCW)  
Subrogation -- Refund of surplus.
- ☒ RCW 35.55.060 (RCW)  
Assessment roll -- Items -- Assessment units -- Installments.
- ☒ RCW 35.56.070 (RCW)  
Assessment roll -- Items -- Assessment units -- Installments.
- ☒ RCW 35.56.190 (RCW)  
Tax levy -- General -- Purposes -- Limit.
- ☒ RCW 35.56.240 (RCW)  
Waterways constructed -- Acquisition of abutting property.
- ☒ CHAPTER 35.58 RCW (RCW)  
METROPOLITAN MUNICIPAL CORPORATIONS
- ☒ RCW 35.58.200 (RCW)  
Powers relative to water pollution abatement.
- ☒ RCW 35.58.220 (RCW)  
Powers relative to water supply.
- ☒ RCW 35.58.240 (RCW)

**Powers relative to transportation.**

- ☒ **RCW 35.58.280 (RCW)**  
Powers relative to garbage disposal.
- ☒ **RCW 35.58.290 (RCW)**  
Powers relative to parks and parkways.
- ☒ **RCW 35.58.320 (RCW)**  
Eminent domain.
- ☒ **RCW 35.59.050 (RCW)**  
Powers of condemnation.
- ☒ **RCW 35.61.130 (RCW)**  
Eminent domain -- Park commissioners' authority, generally -- Prospective staff screening.
- ☒ **RCW 35.67.020 (RCW)**  
Authority to construct system and fix rates and charges -- Classification of services and facilities -- Assistance for low-income persons.
- ☒ **CHAPTER 35.80A RCW (RCW)**  
**CONDEMNATION OF BLIGHTED PROPERTY**
- ☒ **RCW 35.80A.010 (RCW)**  
Condemnation of blighted property.
- ☒ **RCW 35.80A.020 (RCW)**  
Transfer of blighted property acquired by condemnation.
- ☒ **RCW 35.81.080 (RCW)**  
Eminent domain.
- ☒ **RCW 35.84.030 (RCW)**  
Limitation on right of eminent domain.
- ☒ **RCW 35.86A.070 (RCW)**  
Powers and authority of parking commission.
- ☒ **CHAPTER 35.92 RCW (RCW)**  
**MUNICIPAL UTILITIES**
- ☒ **RCW 35.92.010 (RCW)**  
Authority to acquire and operate waterworks -- Generation of electricity -- Classification of services for rates.
- ☒ **RCW 35.92.020 (RCW)**  
Authority to acquire and operate sewerage and solid waste handling systems, plants, sites, or facilities -- Classification of services and facilities for rates -- Assistance for low-income persons.
- ☒ **RCW 35.92.052 (RCW)**  
First class cities operating electrical facilities -- Participation in agreements to use or own high voltage transmission facilities and other electrical generating facilities -- Terms -- Limitations.
- ☒ **RCW 35.92.054 (RCW)**  
May acquire electrical distribution property from public utility district.
- ☒ **RCW 35.92.220 (RCW)**  
Acquisition of water rights -- Consolidation of irrigation assessment districts.
- ☒ **RCW 35.92.310 (RCW)**  
Cities over 150,000, joint undertaking with P.U.D. as to electric utility properties -- Authority granted is additional power.
- ☒ **RCW 35.95A.050 (RCW)**  
Powers.
- ☒ **RCW 35.97.040 (RCW)**  
Heating systems -- Specific powers of municipalities.
- ☒ **RCW 36.37.020 (RCW)**  
Property may be acquired for fairs.
- ☒ **RCW 36.57.040 (RCW)**  
Powers and duties.
- ☒ **RCW 36.57A.090 (RCW)**  
Additional powers -- Acquisition of existing system.

**Query: (CONTENT contains "condemn\*" & "property")**

- ☒ **RCW 36.68.010 (RCW)**  
Counties may establish park and playground systems -- Disposition of surplus park property.
- ☒ **RCW 36.75.040 (RCW)**  
Powers of county commissioners.
- ☒ **RCW 36.75.230 (RCW)**  
Acquisition of land under RCW 36.75.210 and 36.75.220 .
- ☒ **RCW 36.81.110 (RCW)**  
County road on or over dikes -- Condemnation for dike roads.
- ☒ **RCW 36.85.020 (RCW)**  
Aviation site not exempt from condemnation.
- ☒ **RCW 36.88.310 (RCW)**  
Acquisition of property -- Eminent domain.
- ☒ **RCW 36.89.030 (RCW)**  
Authority to establish, acquire, develop, construct, and improve highways, open spaces, parks, etc.
- ☒ **RCW 36.94.020 (RCW)**  
Purpose -- Powers.
- ☒ **CHAPTER 37.16 RCW (RCW)**  
**ACQUISITION OF LANDS FOR PERMANENT MILITARY INSTALLATIONS**
- ☐ **CHAPTER 38.40 RCW (RCW)**  
**MISCELLANEOUS PROVISIONS**
- ☒ **RCW 43.21A.614 (RCW)**  
Steam electric generating plant -- Powers of director in constructing, operating and maintaining.
- ☒ **RCW 43.21A.616 (RCW)**  
Steam electric generating plant -- Eminent domain.
- ☒ **RCW 43.52.300 (RCW)**  
Powers and duties of an operating agency.
- ☒ **RCW 43.52.391 (RCW)**  
Powers and duties of operating agency.
- ☒ **RCW 43.96B.215 (RCW)**  
Bond issue -- Anticipation notes -- Disposition of proceeds -- Acquisition of property by Expo '74 commission authorized.
- ☒ **CHAPTER 47.12 RCW (RCW)**  
**ACQUISITION AND DISPOSITION OF STATE HIGHWAY PROPERTY**
- ☒ **RCW 47.12.010 (RCW)**  
Acquisition of property authorized -- Condemnation actions -- Cost.
- ☒ **RCW 47.12.023 (RCW)**  
Acquisition of state lands or interests or rights therein -- Procedures--Compensation -- Reacquisition by department of natural resources.
- ☒ **RCW 47.12.150 (RCW)**  
Acquisition, exchange of property to relocate displaced facility.
- ☒ **RCW 47.12.160 (RCW)**  
Acquisition of land outside highway right of way to minimize damage.
- ☒ **RCW 47.12.180 (RCW)**  
Additional financing methods for property and engineering costs -- Formal declarations.
- ☒ **RCW 47.12.190 (RCW)**  
Additional financing methods for property and engineering costs -- Purchase or condemnation.
- ☒ **RCW 47.12.200 (RCW)**  
Additional financing methods for property and engineering costs -- Agreements with state finance committee.
- ☒ **RCW 47.12.210 (RCW)**  
Additional financing methods for property and engineering costs -- Warrants on motor vehicle fund.
- RCW 47.12.248 (RCW)**

- ☒ Structures acquired in advance of programmed construction -- Maintenance.
- ☒ RCW 47.12.250 (RCW)  
Acquisition of property for preservation, safety, buffer purposes.
- ☒ RCW 47.12.270 (RCW)  
Acquisition of property for park and ride lots.
- ☒ CHAPTER 47.20 RCW (RCW)  
MISCELLANEOUS PROJECTS
- ☒ RCW 47.20.600 (RCW)  
Washington State University highway, University of Washington approach -- Acquisition of property.
- ☒ RCW 47.20.610 (RCW)  
Washington State University highway, University of Washington approach -- Condemnation.
- ☒ RCW 47.28.026 (RCW)  
Description and plan of new or limited access highway -- Buildings and improvements prohibited, when.
- ☒ RCW 47.41.040 (RCW)  
Screening or removal of junkyard.
- ☒ RCW 47.52.050 (RCW)  
Acquisition of property.
- ☒ RCW 47.52.080 (RCW)  
Abutter's right of access protected -- Compensation.
- ☒ RCW 47.52.105 (RCW)  
Acquisition and construction to preserve limited access or reduce required compensation.
- ☒ RCW 47.56.090 (RCW)  
Authority to acquire right of way in constructing a toll bridge.
- ☒ RCW 47.56.100 (RCW)  
Toll bridges -- Right of way across state highways and political subdivisions -- Compensation.
- ☒ RCW 47.56.110 (RCW)  
Toll bridges -- Resolution of necessity in acquiring right of way -- Effect of.
- ☒ CHAPTER 47.60 RCW (RCW)  
PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM
- ☒ RCW 47.60.020 (RCW)  
Eminent domain -- Condemnation proceedings.
- ☒ RCW 47.68.100 (RCW)  
Acquisition and disposal of airports, facilities, etc.
- ☒ RCW 47.68.120 (RCW)  
Condemnation, how exercised.
- ☒ RCW 47.72.050 (RCW)  
Powers and duties.
- ☒ RCW 47.79.050 (RCW)  
Facility acquisition and management.
- ☒ RCW 47.79.120 (RCW)  
King Street station -- Acquisition.
- ☒ CHAPTER 52.12 RCW (RCW)  
POWERS -- BURNING PERMITS
- ☒ RCW 52.12.051 (RCW)  
Condemnation proceedings.
- ☒ RCW 53.08.010 (RCW)  
Acquisition of property -- Levy of assessments.
- ☒ RCW 53.25.020 (RCW)  
Marginal lands -- Further declaration.
- ☒ RCW 53.25.040 (RCW)  
Industrial development districts authorized -- Boundaries -- Deletion of land area.



**Query: (CONTENT contains "condemn\*" & "property")**

- ☒ **RCW 53.25.100 (RCW)**  
Powers as to industrial development districts.
- ☒ **CHAPTER 53.34 RCW (RCW)**  
TOLL FACILITIES
- ☒ **RCW 53.34.170 (RCW)**  
District's power to acquire property, rights, etc. -- Gifts -- Condemnation -- Contracts by public agencies authorized.
- ☒ **TITLE 54 RCW (RCW)**  
PUBLIC UTILITY DISTRICTS
- ☒ **RCW 54.16.020 (RCW)**  
Acquisition of property and rights -- Eminent domain.
- ☒ **RCW 54.16.040 (RCW)**  
Electric energy.
- ☒ **RCW 54.16.050 (RCW)**  
Water rights.
- ☒ **RCW 54.16.200 (RCW)**  
Joint exercise of powers and joint acquisition of properties.
- ☒ **RCW 54.16.220 (RCW)**  
Columbia river hydroelectric projects -- Grant back of easements to former owners.
- ☒ **RCW 54.24.018 (RCW)**  
Acquisition of property -- Adoption of plan -- Bonds or warrants -- Special funds.
- ☒ **RCW 54.32.040 (RCW)**  
Right of county-wide utility district to acquire distribution properties.
- ☒ **RCW 57.08.005 (RCW)**  
Powers.
- ☒ **CHAPTER 59.18 RCW (RCW)**  
RESIDENTIAL LANDLORD-TENANT ACT
- ☒ **RCW 59.18.085 (RCW)**  
Rental of condemned or unlawful dwelling -- Tenant's remedies -- Relocation assistance -- Penalties.
- ☒ **RCW 59.23.020 (RCW)**  
Definitions.
- ☒ **RCW 61.24.100 (RCW)**  
Deficiency judgments -- Foreclosure -- Trustee's sale -- Application of chapter.
- ☒ **RCW 64.34.070 (RCW)**  
Law applicable -- General principles.
- ☒ **RCW 64.34.220 (RCW)**  
Leasehold condominiums.
- ☒ **RCW 64.34.236 (RCW)**  
Development rights.
- ☒ **RCW 64.34.268 (RCW)**  
Termination of condominium.
- ☒ **RCW 64.34.352 (RCW)**  
Insurance.
- ☒ **RCW 64.44.040 (RCW)**  
Orders declaring property unfit and prohibiting use--City, county action--Entrance upon property prohibited.
- ☒ **RCW 67.28.140 (RCW)**  
Declaration of public purpose -- Right of eminent domain.
- ☒ **RCW 67.30.010 (RCW)**  
Declaration of public purpose and necessity.
- ☒ **RCW 67.30.020 (RCW)**  
Participation by cities and counties -- Powers -- Costs, how paid.

- ☒ **RCW 67.30.040 (RCW)**  
Power to appropriate and raise moneys.
- ☒ **RCW 67.40.020 (RCW)**  
State convention and trade center -- Public nonprofit corporation authorized -- Board of directors -- Powers and duties.
- ☒ **RCW 68.52.200 (RCW)**  
Right of eminent domain.
- ☒ **RCW 70.44.060 (RCW)**  
Powers and duties.
- ☒ **RCW 70.95A.050 (RCW)**  
Revenue bonds -- Security -- Scope -- Default -- Authorization proceedings.
- ☒ **CHAPTER 77.12 RCW (RCW)**  
**POWERS AND DUTIES**
- ☒ **RCW 77.12.037 (RCW)**  
Acquisition, use, and management of property -- Condemnation -- When authorized.
- ☒ **RCW 79.10.070 (RCW)**  
Management of public lands within watershed area providing water supply for city or town -- Lake Whatcom municipal watershed pilot project -- Report -- Exclusive method of condemnation by city or town for watershed purposes.
- ☒ **RCW 79.17.200 (RCW)**  
Real property -- Transfer or disposal without public auction.
- ☒ **RCW 79.22.060 (RCW)**  
Transfer, disposal of lands without public auction -- Requirements.
- ☒ **RCW 79.24.520 (RCW)**  
Acquisition of property authorized -- Means -- Other state agencies to assist committee in executing chapter.
- ☒ **CHAPTER 79.36 RCW (RCW)**  
**EASEMENTS OVER PUBLIC LANDS**
- ☒ **RCW 79.36.310 (RCW)**  
Acquisition of property interests for access authorized.
- ☒ **RCW 79.36.320 (RCW)**  
Condemnation -- Duty of attorney general.
- ☒ **RCW 79.36.340 (RCW)**  
Acquisition -- Payment.
- ☒ **RCW 79.36.370 (RCW)**  
Lands subject to easements for removal of valuable materials.
- ☒ **RCW 79.36.590 (RCW)**  
Easement reserved in later grants.
- ☒ **RCW 79.44.190 (RCW)**  
Acquisition of property by state or political subdivision which is subject to unpaid assessments or delinquencies -- Payment of lien or installments.
- ☒ **RCW 79.120.050 (RCW)**  
Excavation of waterways -- Waterways open to public -- Tide gates or locks.
- ☒ **RCW 79A.05.030 (RCW)**  
Powers and duties -- Mandatory.
- ☒ **RCW 80.28.220 (RCW)**  
Gas companies -- Right of eminent domain -- Purposes.
- ☒ **RCW 80.32.080 (RCW)**  
Duties of electrical companies exercising power of eminent domain.
- ☒ **RCW 80.40.030 (RCW)**  
Eminent domain.
- ☒ **RCW 80.40.040 (RCW)**  
Eminent domain -- Application to \*oil and gas conservation committee prerequisite to eminent domain -- Procedure.

- ☒ **RCW 80.40.050 (RCW)**  
Rights of company using storage -- Rights of owners of condemned land and interests therein.

**Query: (CONTENT contains "condemn\*" & "property")**

- ☒ **RCW 81.36.010 (RCW)**  
Right of eminent domain.
- ☒ **RCW 81.53.180 (RCW)**  
Eminent domain.
- ☒ **RCW 81.88.020 (RCW)**  
Pipeline corporations -- Regulation -- Eminent domain.
- ☒ **RCW 81.112.080 (RCW)**  
Additional powers -- Acquisition of facilities -- Disposal of property--Rates, tolls, fares, charges.
- ☒ **RCW 82.45.010 (RCW)**  
"Sale" defined.
- ☒ **RCW 84.38.130 (RCW)**  
When deferred assessments or taxes become payable.
- ☒ **RCW 84.60.050 (RCW)**  
Acquisition by governmental unit of property subject to tax lien or placement under agreement or order of immediate possession or use -- Effect.
- ☒ **RCW 85.05.070 (RCW)**  
Eminent domain -- Powers of district.
- ☒ **RCW 85.06.070 (RCW)**  
Eminent domain powers -- Purchase of real property authorized.
- ☒ **RCW 85.06.660 (RCW)**  
Additional improvements -- Resolution -- Notice and hearing -- Protests -- Appellate review, conclusiveness of order of board.
- ☒ **RCW 85.08.190 (RCW)**  
Eminent domain -- Consolidation of actions.
- ☒ **RCW 85.08.200 (RCW)**  
Verdict to fix damages and benefits -- Judgment.
- ☒ **RCW 85.24.260 (RCW)**  
Acquisition of property -- Eminent domain.
- ☒ **RCW 85.24.261 (RCW)**  
Eminent domain -- Procedure.
- ☒ **RCW 85.38.180 (RCW)**  
Special districts -- Powers.
- ☒ **RCW 86.09.208 (RCW)**  
Eminent domain -- Consolidation of actions -- Separate verdicts.
- ☒ **RCW 86.09.211 (RCW)**  
Eminent domain -- Damages, how determined -- Judgment when damages exceed benefits.
- ☒ **RCW 86.12.020 (RCW)**  
Authority to make improvements -- Condemnation.
- ☒ **RCW 86.12.030 (RCW)**  
Eminent domain, how exercised.
- ☒ **RCW 86.13.040 (RCW)**  
Eminent domain -- Procedure -- Acquisition by purchase authorized.
- ☒ **RCW 86.15.080 (RCW)**  
General powers.
- ☒ **CHAPTER 87.03 RCW (RCW)**  
**IRRIGATION DISTRICTS GENERALLY**
- ☒ **RCW 87.03.018 (RCW)**  
Creation of legal authority to carry out powers -- Method -- Indebtedness.
- ☒ **RCW 87.03.137 (RCW)**  
Purchase or condemnation for developing hydroelectric generation capabilities -- Limitations.
- ☒ **RCW 87.03.140 (RCW)**  
Board's powers and duties generally -- Condemnation procedure.

- ☒ **RCW 87.03.145 (RCW)**  
Condemnation -- Finding of benefits and damages -- Judgment -- Costs.
- ☒ **RCW 87.03.150 (RCW)**  
Condemnation -- Title acquired by district.
- ☐ **RCW 87.03.260 (RCW)**  
Levies, amount -- Special funds -- Failure to make levy, procedure.
- ☐ **RCW 87.03.445 (RCW)**  
Acquisition, construction and operating funds -- Tolls and assessments, alternative methods of -- Liens, foreclosure of -- Delinquencies by tenants.
- ☐ **RCW 87.03.455 (RCW)**  
District's right to cross other property.
- ☒ **RCW 87.03.840 (RCW)**  
Chapter supplementary -- When.
- ☒ **RCW 88.24.070 (RCW)**  
County acquisition by condemnation of right-of-way.
- ☒ **RCW 89.08.220 (RCW)**  
Corporate status and powers of district.
- ☒ **RCW 89.30.190 (RCW)**  
Eminent domain -- Joinder, consolidation of actions -- Separate verdicts.
- ☒ **RCW 89.30.193 (RCW)**  
Eminent domain -- Damages and benefits -- Judgment when damages exceed benefits, costs.
- ☐ **TITLE 90 RCW (RCW)**  
**WATER RIGHTS -- ENVIRONMENT**
- ☒ **RCW 90.03.040 (RCW)**  
Eminent domain -- Use of water declared public use.
- ☒ **RCW 90.28.020 (RCW)**  
Right to back and hold waters over roads, streets, and alleys -- Relocation -- Acquisition of rights -- Abandonment.
- ☒ **RCW 90.40.010 (RCW)**  
Eminent domain by the United States.
- ☐ **TITLE 91 RCW (RCW)**  
**WATERWAYS**
- ☒ **CHAPTER 91.08 RCW (RCW)**  
**PUBLIC WATERWAYS**
- ☒ **RCW 91.08.100 (RCW)**  
Board's powers and duties -- Right of eminent domain.
- ☒ **RCW 91.08.120 (RCW)**  
Eminent domain -- Order to acquire or condemn property.
- ☒ **RCW 91.08.130 (RCW)**  
Eminent domain -- Petition to condemn.
- ☒ **RCW 91.08.160 (RCW)**  
Eminent domain -- Finding of public use -- Jury -- Dismissal.
- ☒ **RCW 91.08.250 (RCW)**  
Eminent domain -- Finality of judgment -- Appellate review -- Waiver of review.
- ☒ **RCW 91.08.270 (RCW)**  
Assessment procedure -- Petition -- Assessment commissioners.
- ☒ **RCW 91.08.340 (RCW)**  
Assessment procedure -- Hearing -- Findings -- Judgment.
- ☒ **RCW 91.08.620 (RCW)**  
Unclaimed funds, disposal of.

**RCW 8.04.080****Order to direct determination of damages and offsetting benefits.**

The order shall direct that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises or other **property** sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking and appropriation to the remainder of the lands, real estate, premises, or other **property** from which the same is to be taken and appropriated after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and the use by the state of the lands, real estate, premises, and other **property** described in the petition. The determination shall be made within thirty days after the entry of such order, before a jury if trial by jury is demanded at the hearing either by the petitioner or by the respondents, otherwise by the court sitting without a jury. If no regular venire has been called so as to be available to serve within such time on application of the petitioner at the hearing, the court may by its order continue such determination to the next regular jury term if a regular venire will be called within sixty days, otherwise the court shall call a special jury within said sixty days and direct that a jury panel be selected and summoned pursuant to chapter 2.36 RCW, from the citizens of the county in which the lands, real estate, premises, or other **property** sought to be appropriated are situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the petitioner and respondents both consent to a less number of jurors (such number to be not less than three), and such consent is entered by the clerk in the minutes of such hearing. In any county with a population of less than seventy thousand, the costs of such special jury for the trial of such **condemnation** cases only shall be borne by the state.

[1991 c 363 § 8; 1988 c 188 § 15; 1955 c 213 § 3. Prior: 1925 ex.s. c 98 § 1, part; 1891 c 74 § 4, part; RRS § 894, part.]

**NOTES:**

**Rules of court:** CR 47, 48.

**Purpose -- Captions not law -- 1991 c 363:** See notes following RCW 2.32.180.

**Legislative findings -- Severability -- Effective date -- 1988 c 188:** See notes following RCW 2.36.010.

Juries in courts of limited jurisdiction: RCW 2.36.050.

**RCW 8.04.090****Order for immediate possession -- Payment of tender into court.**

In case the state shall require immediate possession and use of the **property** sought to be **condemned**, and an order of necessity shall have been granted, and no review has been taken therefrom, the attorney general may stipulate with respondents in accordance with the provisions of this section and RCW 8.04.092 and 8.04.094 for an order of immediate possession and use, and file with the clerk of the court wherein the action is pending, a certificate of the state's requirement of immediate possession and use of the land, which shall state the amount of money offered to the respondents and shall further state that such offer constitutes a continuing tender of such amount. The attorney general shall file a copy of the certificate with the office of financial management, which forthwith shall issue and deliver to him a warrant payable to the order of the clerk of the court wherein the action is pending in a sum sufficient to pay the amount offered, which shall forthwith be paid into the registry of the court. The court without further notice to respondent shall enter an order granting to the state the immediate possession and use of the **property** described in the order of necessity, which order shall bind the petitioner to pay the full

amount of any final judgment of compensation and damages which may thereafter be awarded for the taking and appropriation of the lands, real estate, premises, or other **property** described in the petition and for the injury, if any, to the remainder of the lands, real estate, premises, or other **property** from which they are to be taken by reason of such taking and appropriation, after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and use by the state of the lands, real estate, premises, or other **property** described in the petition. The moneys paid into court may at any time after entry of the order of immediate possession, be withdrawn by respondents, by order of the court, as their interests shall appear.

[1979 c 151 § 7; 1973 c 106 § 7; 1955 c 213 § 4. Prior: 1951 c 177 § 1; 1925 ex.s. c 98 § 1, part; RRS § 894, part.]

#### **RCW 8.04.097**

##### **Acquisition when several ownerships.**

Whenever it becomes necessary on behalf of the state to acquire by **condemnation** more than one tract of land, **property**, or **property** rights, existing in any one county, and held in different ownerships or interests, the state may consolidate and file a single petition as one action against the several tracts of land, **property**, or **property** rights held by said different ownerships or interests, setting forth separately the descriptions of the tracts of land, **property**, or **property** rights needed, and the owners, persons, or parties interested therein.

[1955 c 156 § 1. Formerly RCW 8.04.190.]

#### **RCW 8.04.100**

##### **Cases may be consolidated for trial.**

At the time of fixing the date for trial by jury in any case the court may, on application of the petitioner, order that any one or more **condemnation** cases then pending before the court and requiring determination by a jury of the compensation and damages as aforesaid be consolidated and tried before one and the same jury but with a separate award to be made in each case. If necessary, the sheriff, under direction of the court or judge thereof, shall summon as many qualified persons as may be required to complete the jury from citizens of the county where such lands, real estate, premises or other **property** sought to be appropriated are situated.

[1955 c 213 § 5. Prior: 1925 ex.s. c 98 § 1, part; RRS § 894, part.]

#### **RCW 8.04.170**

##### **Condemnation for military purposes.**

Whenever the governor, as commander-in-chief of the military of this state, shall deem it necessary to acquire any lands, real estate, premises or other **property** for any military purpose or purposes of this state, either to add to, enlarge, increase or otherwise improve state military facilities now or hereafter existing or to establish new facilities, the acquisition of which shall have been provided for by the state, by a county or by a city, or by either, all or any thereof, upon certificate by the governor of such necessity, proceedings for the **condemnation**, appropriation and taking of the lands, real estate, premises or other **property** so certified to be necessary shall be taken as follows:

Where the state is to pay the purchase price it shall be the duty of the attorney general, upon receipt

by him of said certificate of the governor, to file a petition in the superior court for the county in which such lands, real estate, premises or other **property** may be situate praying such **condemnation**, appropriating and taking, which petition shall be prosecuted to a final determination in the manner by law provided for other **condemnation** suits brought by or on behalf of the state;

Where a county is to pay the purchase price it shall be the duty of the prosecuting attorney of said county upon receipt by him of said certificate of the governor, to file a petition in the superior court for said county praying such **condemnation**, appropriation and taking, which petition shall be prosecuted to a final determination in the manner by law provided for other **condemnation** suits brought by or on behalf of a county;

Where a city is to pay the purchase price it shall be the duty of the corporation counsel, city attorney or other head of the legal department of said city, upon receipt by him of said certificate of the governor, to file a petition in the superior court for the county in which said city is situate, praying such **condemnation**, appropriation and taking, which petition shall be prosecuted to a final determination in the manner by law provided for other **condemnation** suits brought by or on behalf of such city;

Where the purchase price is to be paid by the state, a county and a city or by the state and a county, or by the state and a city, or by a county and a city, the **condemnation** shall be prosecuted to a final determination in the manner by law provided for either or any thereof, as the governor may determine, which determination shall be final and conclusive.

[1917 c 153 § 1; RRS § 900-1.]

#### NOTES:

Notice where military land is involved: RCW 8.28.030.

---

#### RCW 8.08.010

##### **Condemnation authorized for general county purposes -- Petition.**

Every county is hereby authorized and empowered to **condemn** land and **property** within the county for public use; whenever the board of county commissioners deems it necessary for county purposes to acquire such land, real estate, premises or other **property**, and is unable to agree with the owner or owners thereof for its purchase, it shall be the duty of the prosecuting attorney to present to the superior court of the county in which said land, real estate, premises, or other **property** so sought to be acquired or appropriated shall be situated, a petition in which the land, real estate, premises, or other **property** sought to be appropriated shall be described with reasonable certainty, and setting forth the name of each and every owner, encumbrancer, or other person or party interested in the same, or any part thereof, so far as the same can be ascertained from the public records, the object for which the land is sought to be appropriated, and praying that a jury be impaneled to ascertain and determine the compensation to be made in money to such owner or owners respectively, and to all tenants, encumbrancers, or others interested, for taking such lands, real estate, premises, or other **property**, or in case a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law, then that the compensation to be made as aforesaid be ascertained or determined by the court or the judge thereof.

[1949 c 79 § 1; Rem. Supp. 1949 § 3991-6.]

---

#### RCW 8.08.090

##### **Appropriation authorized in aid of federal or state improvement.**



Every county in this state is hereby, for the purposes of RCW 8.08.090 through 8.08.130, declared to be a body corporate and is authorized and empowered by and through its board of county commissioners whenever said board shall judge it to be clearly for the general welfare and benefit of the people of the county, and so far as shall be in harmony with the Constitution of this state and the provisions of RCW 8.08.090 through 8.08.130, to **condemn** and appropriate as hereinafter in RCW 8.08.090 through 8.08.130 provided and to dispose of for public use such lands, properties, rights and interests as are hereinafter in RCW 8.08.090 through 8.08.130 mentioned, whenever the government of the United States or of this state is intending or proposing the construction, operation or maintenance of any public work situated or to be situated wholly or partly within such county, or the expenditure of money or labor for the construction, operation or maintenance of any such work, and such **condemnation** or appropriation will enable the county to aid, promote, facilitate or prepare for any such construction, operation, maintenance or expenditure by either or both such governments, or to fulfill or dispose of any condition upon which such construction, operation, maintenance or expenditure is by law or from any cause contingent, and no **property** shall be exempt from such **condemnation**, appropriation or disposition by reason of the same having been or being dedicated, appropriated or otherwise reduced or held to public use.

[1895 c 2 § 1; RRS § 901.]

---

#### **RCW 8.08.110**

##### **Tax levy to pay costs.**

The board of county commissioners is hereby authorized and empowered in aid of the powers granted or prescribed in RCW 8.08.090 to levy, annually, a tax as large as may be necessary, but not exceeding the rate of one mill on the dollar, upon all the taxable **property** in the county, such tax to be assessed, levied and collected at the same time and in the same manner as taxes for general county purposes, but the proceeds of said taxes, when collected, shall constitute and be a special fund, applicable solely to the cost of such **condemnation**, appropriation or disposition, as is mentioned in RCW 8.08.090, and the expenses incident thereto.

[1895 c 2 § 2; RRS § 902.]

---

#### **RCW 8.12.030**

##### **Condemnation authorized -- Purposes enumerated.**

Every city and town and each unclassified city and town within the state of Washington, is hereby authorized and empowered to **condemn** land and **property**, including state, county and school lands and **property** for streets, avenues, alleys, highways, bridges, approaches, culverts, drains, ditches, public squares, public markets, city and town halls, jails and other public buildings, and for the opening and widening, widening and extending, altering and straightening of any street, avenue, alley or highway, and to damage any land or other **property** for any such purpose or for the purpose of making changes in the grade of any street, avenue, alley or highway, or for the construction of slopes or retaining walls for cuts and fills upon real **property** abutting on any street, avenue, alley or highway now ordered to be, or such as shall hereafter be ordered to be opened, extended, altered, straightened or graded, or for the purpose of draining swamps, marshes, tidelands, tide flats or ponds, or filling the same, within the limits of such city, and to **condemn** land or **property**, or to damage the same, either within or without the limits of such city for public parks, drives and boulevards, hospitals, pesthouses, drains and sewers, garbage crematories and destructors and dumping grounds for the destruction, deposit or burial of dead animals, manure, dung, rubbish, and other offal, and for aqueducts, reservoirs, pumping stations and

other structures for conveying into and through such city a supply of fresh water, and for the purpose of protecting such supply of fresh water from pollution, and to **condemn** land and other **property** and damage the same for such and for any other public use after just compensation having been first made or paid into court for the owner in the manner prescribed by this chapter.

[1915 c 154 § 1; 1907 c 153 § 1; RRS § 9215. Prior: 1905 c 55 § 1; 1893 c 84 § 1.]

#### **RCW 8.12.040**

##### **Ordinance to specify method of payment -- Limitations.**

When the corporate authorities of any such city shall desire to **condemn** land or other **property**, or damage the same, for any purpose authorized by this chapter, such city shall provide therefor by ordinance, and unless such ordinance shall provide that such improvement shall be paid for wholly or in part by special assessment upon **property** benefited, compensation therefor shall be made from any general funds of such city applicable thereto. If such ordinance shall provide that such improvement shall be paid for wholly or in part by special assessment upon **property** benefited, the proceedings for the making of such special assessment shall be as hereinafter prescribed, in this chapter: PROVIDED, That no special assessment shall be levied under authority of this chapter except when made for the purpose of streets, avenues, alleys, or highways or alterations thereof or changes of the grade therein or other improvements in or adjoining the same, or for bridges, approaches, culverts, sewers, drains, ditches, public squares, public playgrounds, public parks, drives or boulevards or for the purpose of draining swamps, marshes, tide flats, tidelands or ponds or for filling the same: AND IT IS FURTHER PROVIDED, That when a street, avenue, highway or boulevard is established or widened to a width greater than one hundred and fifty feet the excess over and above the one hundred and fifty feet shall be paid out of the general fund of such city without any deduction for benefits of such excess.

[1925 ex.s. c 128 § 2; 1907 c 153 § 2; RRS § 9216. Prior: 1905 c 55 § 2; 1893 c 84 § 2.]

#### **RCW 8.12.050**

##### **Petition for condemnation.**

Whenever any such ordinance shall be passed by the legislative authority of any such city for the making of any improvement authorized by this chapter or any other improvement that such city is authorized to make, the making of which will require that **property** be taken or damaged for public use, such city shall file a petition in the superior court of the county in which such land is situated, in the name of the city, praying that just compensation, to be made for the **property** to be taken or damaged for the improvement or purpose specified in such ordinance, be ascertained by a jury or by the court in case a jury be waived.

[1913 c 11 § 1; 1907 c 153 § 3; RRS § 9217. Prior: 1905 c 55 § 3; 1893 c 84 § 3.]

#### **RCW 8.12.200**

##### **Judgment -- Appellate review -- Payment of award into court.**

Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient **condemnation** of the land or **property** to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as

in other civil cases, provided that in case any defendant recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive as to the damages caused by such improvement unless appellate review is sought, and review of the same shall not delay proceedings under said ordinance, if such city shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such city, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation which may at any time be finally awarded to such parties seeking review of said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor, and abide any rule or order of the court in relation to the matter in controversy. In case of review by the supreme court or the court of appeals of the state by any party to the proceedings the money so paid into the superior court by such city, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other **property** accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively appellate review and final judgment may be rendered in the superior court as in other cases.

[1993 c 14 § 1; 1988 c 202 § 10; 1971 c 81 § 39; 1907 c 153 § 16; 1905 c 55 § 16; 1893 c 84 § 16; RRS § 9230. FORMER PART OF SECTION: 1907 c 153 § 51, part; RRS § 9276, part, now codified in RCW 8.12.090. Prior: 1905 c 55 § 50; 1893 c 84 § 50, part.]

#### NOTES:

**Effective date -- 1993 c 14:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 12, 1993]." [1993 c 14 § 2.]

**Severability -- 1988 c 202:** See note following RCW 2.24.050.

---

#### RCW 8.20.140

##### **Appropriation of railway right-of-way through canyon, pass, or defile.**

Any railroad company whose right-of-way passes through any canyon, pass or defile shall not prevent any other railroad company from the use and occupancy of said canyon, pass or defile for the purpose of its road in common with the road first located or the crossing of other railroads at grade, and any railroad company authorized by law to appropriate land, real estate, premises or other **property** for right-of-way or any other corporate purpose may present a petition, in the manner and form hereinbefore provided, for the appropriation of a right-of-way through any canyon, pass or defile for the purpose of its road where right-of-way has already been located, **condemned** or occupied by some other railroad company through such canyon, pass or defile for the purpose of its road, and thereupon, like proceedings shall be had upon such petition as herein provided in other cases; and at the time of rendering judgment for damages, whether upon default or trial, the court or judge thereof shall enter a judgment or decree authorizing said railroad company to occupy and use said right-of-way, roadbed and track, if necessary, in common with the railroad company or companies already occupying or owning the same, and defining the terms and conditions upon which the same shall be so occupied and used in common.

[1890 p 301 § 12; RRS § 933.]

---

#### RCW 8.20.150

##### **Prior entry with consent -- Condemnation avoids ouster.**

No corporation authorized by law to **condemn property** for public use, which has heretofore entered or shall hereafter enter upon **property** for a public use with the consent of the record owner or the person or corporation in possession, shall be ousted from such possession or prevented from continuing the putting of such **property** to public use if before entry of judgment of ouster it shall institute proceedings in **condemnation** to acquire such **property** for public use, and shall thereafter prosecute the same in good faith and pay any compensation which may be awarded therein.

[1927 c 219 § 1; RRS § 921-1.]

## NOTES:

**Severability -- 1927 c 219:** "If any section, provision or clause in this act be adjudged invalid the remainder of the act shall nevertheless remain valid." [1927 c 219 § 4.] This applies to RCW 8.20.150 through 8.20.170.

---

### RCW 8.20.160

#### Three-year occupancy -- Condemnation avoids ouster.

No corporation which shall have been or shall be in possession of **property** put to public use for three or more years, and while continuing to put such **property** to public use shall be ousted therefrom or prevented from continuing such use if prior to the entry of any judgment of ouster it shall institute **condemnation** proceedings to acquire such **property** for public use, and shall thereafter prosecute the same in good faith and pay any compensation awarded therein.

[1927 c 219 § 2; RRS § 921-2.]

---

### RCW 8.20.170

#### Suit for compensation by owner equivalent to condemnation.

Nothing in RCW 8.20.150 through 8.20.170 shall prevent the owner of any such **property** suing for and recovering compensation for such **property** without instituting suit or proceedings to oust such corporation therefrom, and upon payment of the amount awarded such owner title to the **property** shall vest in such corporation as effectually as if acquired by proceedings in **condemnation**.

[1927 c 219 § 3; RRS § 921-3.]

---

## Chapter 8.24 RCW PRIVATE WAYS OF NECESSITY

### RCW SECTIONS

8.24.010 **Condemnation** authorized -- Private way of necessity defined.

8.24.015 Joinder of surrounding **property** owners authorized.

8.24.025 Selection of route -- Criteria.

8.24.030 Procedure for **condemnation**--Fees and costs.

8.24.040 Logging road must carry products of **condemnees**.

8.24.050 Appointment of guardian ad litem for minors, alleged incapacitated persons -- Protection of interests.

## NOTES:

Additional provisions relating to eminent domain proceedings: Chapter 8.25 RCW.

Adjudication of public use or private way of necessity: RCW 8.20.070.

### RCW 8.24.015

#### **Joinder of surrounding property owners authorized.**

In any proceeding for the **condemnation** of land for a private way of necessity, the owner of any land surrounding and contiguous to the **property** which land might contain a site for the private way of necessity may be joined as a party.

[1988 c 129 § 1.]

### RCW 8.24.030

#### **Procedure for condemnation -- Fees and costs.**

The procedure for the **condemnation** of land for a private way of necessity or for drains, flumes or ditches under the provisions of this chapter shall be the same as that provided for the **condemnation** of private **property** by railroad companies, but no private **property** shall be taken or damaged until the compensation to be made therefor shall have been ascertained and paid as provided in the case of **condemnation** by railroad companies.

In any action brought under the provisions of this chapter for the **condemnation** of land for a private way of necessity, reasonable attorneys' fees and expert witness costs may be allowed by the court to reimburse the **condemnee**.

[1988 c 129 § 3; 1913 c 133 § 2; RRS § 936-2. Prior: 1895 c 92 § 2.]

## NOTES:

**Condemnation** by corporations: Chapter 8.20 RCW.

Railroads -- Corporate powers and duties: RCW 81.36.010.

Special railroad eminent domain proceedings:

appropriation of railway right-of-way through canyon, pass or defile: RCW 8.20.140.

extensions, branch lines: RCW 81.36.060.

railroad crossings: RCW 81.53.180.

spur tracks -- Limit as to eminent domain: RCW 81.52.040.

state university -- Rights-of-way to railroads: RCW 28B.20.330.

### Chapter 8.25 RCW

#### **ADDITIONAL PROVISIONS APPLICABLE TO EMINENT DOMAIN PROCEEDINGS**

## RCW SECTIONS

- 8.25.010 Pretrial statement of compensation to be paid in event of settlement.
- 8.25.020 Payment to defray costs of evaluating offer -- Amount.
- 8.25.070 Award of attorney's fees and witness fees to **condemnee** -- Conditions to award.
- 8.25.073 Award of costs in air space corridor acquisitions -- Conditions.
- 8.25.075 Costs -- Award to **condemnee** or plaintiff -- Conditions.
- 8.25.120 Conclusions of appraisers -- Order for production and exchange between parties.
- 8.25.200 Acquisition of **property** subject to unpaid or delinquent local improvement assessments -- Payment.
- 8.25.210 Special benefits to remaining **property** -- Purpose.
- 8.25.220 Special benefits to remaining **property** -- Options -- Election by owner -- Consent to creation of lien.
- 8.25.230 Special benefits to remaining **property** -- Satisfaction or release of lien -- Trial -- Expiration of lien by operation of law.
- 8.25.240 Special benefits to remaining **property** -- Judgment -- Maximum amounts -- Offsets -- Interest.
- 8.25.250 Special benefits to remaining **property** -- Attorney fees -- Witness fees.
- 8.25.260 Special benefits to remaining **property** -- Lien foreclosure proceedings -- Stay.
- 8.25.270 Appointment of guardian ad litem for minors, alleged incapacitated persons -- Protection of interests.
- 8.25.280 Valuation of public water systems.

## NOTES:

Publication of notice: RCW 4.28.120.

---

### RCW 8.25.010

#### **Pretrial statement of compensation to be paid in event of settlement.**

In all actions for the **condemnation** of **property**, or any interest therein, at least thirty days prior to the date set for trial of such action the **condemnor** shall serve a written statement showing the amount of total just compensation to be paid in the event of settlement on each **condemnee** who has made an appearance in the action.

[1965 ex.s. c 125 § 1.]

---

### RCW 8.25.020

#### **Payment to defray costs of evaluating offer -- Amount.**

There shall be paid by the **condemnor** in respect of each parcel of real **property** acquired by eminent domain or by consent under threat thereof, in addition to the fair market value of the **property**, a sum equal to the various expenditures actually and reasonably incurred by those with an interest or interests

in said parcel in the process of evaluating the **condemnor's** offer to buy the same, but not to exceed a total of seven hundred fifty dollars. In the case of multiple interests in a parcel, the division of such sum shall be determined by the court or by agreement of the parties.

[1999 c 52 § 1; 1967 ex.s. c 137 § 1; 1965 ex.s. c 125 § 2.]

---

#### **RCW 8.25.070**

##### **Award of attorney's fees and witness fees to condemnee -- Conditions to award.**

(1) Except as otherwise provided in subsection (3) of this section, if a trial is held for the fixing of the amount of compensation to be awarded to the owner or party having an interest in the **property** being **condemned**, the court shall award the **condemnee** reasonable attorney's fees and reasonable expert witness fees in the event of any of the following:

(a) If **condemnor** fails to make any written offer in settlement to **condemnee** at least thirty days prior to commencement of said trial; or

(b) If the judgment awarded as a result of the trial exceeds by ten percent or more the highest written offer in settlement submitted to those **condemnees** appearing in the action by **condemnor** in effect thirty days before the trial.

(2) The attorney general or other attorney representing a **condemnor** in effecting a settlement of an eminent domain proceeding may allow to the **condemnee** reasonable attorney fees.

(3) Reasonable attorney fees and reasonable expert witness fees authorized by this section shall be awarded only if the **condemnee** stipulates, if requested to do so in writing by the **condemnor**, to an order of immediate possession and use of the **property** being **condemned** within thirty days after receipt of the written request, or within fifteen days after the entry of an order adjudicating public use whichever is later and thereafter delivers possession of the **property** to the **condemnor** upon the deposit in court of a warrant sufficient to pay the amount offered as provided by law. In the event, however, the **condemnor** does not request the **condemnee** to stipulate to an order of immediate possession and use prior to trial, the **condemnee** shall be entitled to an award of reasonable attorney fees and reasonable expert witness fees as authorized by subsections (1) and (2) of this section.

(4) Reasonable attorney fees as authorized in this section shall not exceed the general trial rate, per day customarily charged for general trial work by the **condemnee's** attorney for actual trial time and his or her hourly rate for preparation. Reasonable expert witness fees as authorized in this section shall not exceed the customary rates obtaining in the county by the hour for investigation and research and by the day or half day for trial attendance.

(5) In no event may any offer in settlement be referred to or used during the trial for any purpose in determining the amount of compensation to be paid for the **property**.

[1984 c 129 § 1; 1971 ex.s. c 39 § 3; 1967 ex.s. c 137 § 3.]

#### **NOTES:**

Court appointed experts: **Rules of court:** ER 706.

---

#### **RCW 8.25.073**

### **Award of costs in air space corridor acquisitions -- Conditions.**

A superior court having jurisdiction of a proceeding instituted by a **condemnor** to acquire an air space corridor together with other **property** rights shall award the **condemnee** costs including reasonable attorney fees and reasonable expert witness fees, subject to the provisions of subsection (4) of RCW 8.25.070, if --

(1) there is a final adjudication that the **condemnor** cannot acquire the air space corridor or other **property** rights by **condemnation**; or

(2) the proceeding is abandoned by the **condemnor**.

[1971 ex.s. c 39 § 2.]

---

### **RCW 8.25.075**

#### **Costs -- Award to condemnee or plaintiff -- Conditions.**

(1) A superior court having jurisdiction of a proceeding instituted by a **condemnor** to acquire real **property** shall award the **condemnee** costs including reasonable attorney fees and reasonable expert witness fees if:

(a) There is a final adjudication that the **condemnor** cannot acquire the real **property** by **condemnation**; or

(b) The proceeding is abandoned by the **condemnor**.

(2) In effecting a settlement of any claim or proceeding in which a claimant seeks an award from an acquiring agency for the payment of compensation for the taking or damaging of real **property** for public use without just compensation having first been made to the owner, the attorney general or other attorney representing the acquiring agency may include in the settlement amount, when appropriate, costs incurred by the claimant, including reasonable attorneys' fees and reasonable expert witness fees.

(3) A superior court rendering a judgment for the plaintiff awarding compensation for the taking or damaging of real **property** for public use without just compensation having first been made to the owner shall award or allow to such plaintiff costs including reasonable attorney fees and reasonable expert witness fees, but only if the judgment awarded to the plaintiff as a result of trial exceeds by ten percent or more the highest written offer of settlement submitted by the acquiring agency to the plaintiff at least thirty days prior to trial.

(4) Reasonable attorney fees and expert witness fees as authorized in this section shall be subject to the provisions of subsection (4) of RCW 8.25.070 as now or hereafter amended.

[1977 ex.s. c 72 § 1; 1971 ex.s. c 240 § 21.]

### **NOTES:**

**Severability -- 1971 ex.s. c 240:** See RCW 8.26.900.

---

### **RCW 8.25.210**



### **Special benefits to remaining property -- Purpose.**

It is the purpose of \*this 1974 act to provide procedures whereby more just and equitable results are accomplished when real **property** has been **condemned** for a highway, road, or street and an award made which is subject to a setoff for benefits inuring to the **condemnee's** remaining land.

[1974 ex.s. c 79 § 1.]

### **NOTES:**

**\*Reviser's note:** For codification of "this 1974 act" [1974 ex.s. c 79], see Codification Tables, Volume 0.

### **RCW 8.25.230**

#### **Special benefits to remaining property -- Satisfaction or release of lien -- Trial -- Expiration of lien by operation of law.**

A lien established as provided in RCW 8.25.220 shall be satisfied or released by:

- (1) Agreement between the parties to that effect; or
- (2) Payment of the lien amount plus interest at the rate of five percent per annum; or
- (3) Payment of the amount of offsetting special benefits as established pursuant to RCW 8.25.220(3) plus interest at the rate of five percent per annum within four years of the date of acquisition; or
- (4) Satisfaction of a judgment lien entered as a result of a trial before a jury unless jury be waived to establish the change in value of the remainder of the original parcel because of the construction of the project involved: PROVIDED, That if the result of the trial is to find no special benefits then the lien is extinguished by operation of law. Trial may be had on the petition of any party to the superior court of the county wherein the subject remainder lies after notice of intent to try the matter of special benefits has been served on all persons having an interest in the subject remainder. Such notice shall be filed with the clerk of the superior court and personally served upon all persons having an interest in the subject remainder. Filing a notice of intent to try the matter of special benefits shall be accompanied by a fee in the amount paid when filing a petition in **condemnation**.
- (5) Upon expiration of six years time from the date of acquisition without commencement of proceedings to foreclose the lien or try the matter of special benefits to the remainder of the **property**, the lien shall terminate by operation of law.

[1974 ex.s. c 79 § 3.]

### **RCW 8.25.250**

#### **Special benefits to remaining property -- Attorney fees -- Witness fees.**

Attorney fees and expert witness fees of the **condemnee** may be allowed by the attorney general or other attorney representing a **condemnor** to the extent provided in RCW 8.25.070 and shall be awarded by the court as authorized by this section to the extent provided in RCW 8.25.070 for trial and trial preparation:

- (1) In the event a trial is held as authorized by RCW 8.25.220 except the judgment awarded to the

**condemnor** must exceed by ten percent or more the highest written offer in settlement of the issue to be determined by trial submitted by the **condemnor** to those **condemnees** appearing in the action at least thirty days prior to commencement of the trial; (2) in the event of a trial on the matter of special benefits as authorized by RCW 8.25.230(4) except the judgment awarded to the **condemnor** must be no more than ninety percent of the lowest written offer in settlement submitted by the **condemnor** to the **condemnees** appearing in the action at least thirty days prior to commencement of the trial on the matter of special benefits.

[1974 ex.s. c 79 § 5.]

#### **RCW 8.25.260**

##### **Special benefits to remaining property -- Lien foreclosure proceedings -- Stay.**

A **condemnor** may foreclose the lien authorized by RCW 8.25.220 by bringing an action and applying for summary judgment pursuant to civil rule 56 and may execute first upon the remainder **property** but such proceedings shall not be commenced before five years time has passed from the date of acquisition by the **condemnor**. A **property** owner may stay proceedings to enforce the lien authorized by RCW 8.25.220 by commencement of an action to try the matter of special benefits.

[1974 ex.s. c 79 § 6.]

#### **RCW 8.25.270**

##### **Appointment of guardian ad litem for minors, alleged incapacitated persons -- Protection of interests.**

When it appears in any petition or otherwise at any time during the proceedings for **condemnation** brought pursuant to chapters 8.04, 8.08, 8.12, 8.16, 8.20, and 8.24 RCW that any minor, or alleged incapacitated person is interested in any **property** that is to be taken or damaged, the court shall appoint a guardian ad litem for the minor or alleged incapacitated person to appear and assist in the person's defense, unless a guardian or limited guardian has previously been appointed, in which case the duty to appear and assist shall be delegated to the properly qualified guardian or limited guardian. The court shall make such orders or decrees as it shall deem necessary to protect and secure the interest of the minor or alleged incapacitated person.

[1996 c 249 § 6; 1977 ex.s. c 80 § 12.]

#### **NOTES:**

**Intent -- 1996 c 249:** See note following RCW 2.56.030.

**Purpose -- Intent -- Severability -- 1977 ex.s. c 80:** See notes following RCW 4.16.190.

#### **RCW 8.26.010**

##### **Purposes and scope.**

(1) The purposes of this chapter are:

(a) To establish a uniform policy for the fair and equitable treatment of persons displaced as a direct

result of public works programs of the state and local governments in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons;

(b) To encourage and expedite the acquisition of real **property** for public works programs by agreements with owners, to reduce litigation and relieve congestion in the courts, to assure consistent treatment for owners affected by state and local programs, and to promote public confidence in state and local land acquisition practices.

(2) Notwithstanding the provisions and limitations of this chapter requiring a local public agency to comply with the provisions of this chapter, the governing body of any local public agency may elect not to comply with the provisions of RCW 8.26.035 through 8.26.115 in connection with a program or project not receiving federal financial assistance. Any person who has the authority to acquire **property** by eminent domain under state law may elect not to comply with RCW 8.26.180 through 8.26.200 in connection with a program or project not receiving federal financial assistance.

(3) Any determination by the head of a state agency or local public agency administering a program or project as to payments under this chapter is subject to review pursuant to chapter 34.05 RCW; otherwise, no provision of this chapter may be construed to give any person a cause of action in any court.

(4) Nothing in this chapter may be construed as creating in any **condemnation** proceedings brought under the power of eminent domain, any element of value or of damage not in existence immediately before March 16, 1988.

[1988 c 90 § 1; 1971 ex.s. c 240 § 1.]

## NOTES:

**Section captions -- 1988 c 90:** "Section captions and part divisions in this act do not constitute any part of the law." [1988 c 90 § 19.]

---

### RCW 8.26.180

#### Acquisition procedures.

Every acquiring agency shall, to the greatest extent practicable, be guided by the following policies:

(1) Every reasonable effort shall be made to acquire expeditiously real **property** by negotiation.

(2) Real **property** shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany at least one appraiser of the acquiring agency during his inspection of the **property**, except that the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition of **property** with a low fair market value.

(3) Before the initiation of negotiations for real **property**, the acquiring agency shall establish an amount which it believes to be just compensation therefor, and shall make a prompt offer to acquire the **property** for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such **property**. Any decrease or increase in the fair market value of the real **property** to be acquired prior to the date of valuation caused by the public

improvement for which such **property** is acquired, or by the likelihood that the **property** would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the **property**. The acquiring agency shall provide the owner of real **property** to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. Where appropriate the just compensation for the real **property** acquired, for damages to remaining real **property**, and for benefits to remaining real **property** shall be separately stated.

(4) No owner shall be required to surrender possession of real **property** before the agreed purchase price is paid or deposited with a court having jurisdiction of **condemnation** of such **property**, in accordance with applicable law, for the benefit of the owner an amount not less than the acquiring agency's approved appraisal of the fair market value of such **property**, or the amount of the award of compensation in the **condemnation** proceeding of such **property**.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real **property** shall be required to move from a dwelling or to move his business or farm operation without at least ninety days written notice of the date by which such move is required.

(6) If an owner or tenant is permitted to occupy the real **property** acquired on a rental basis for a short term or for a period subject to termination on short notice, the amount of rent required shall not exceed the fair rental value of the **property** to a short-term occupier.

(7) In no event shall the time \*of **condemnation** be advanced, on negotiations or **condemnation** and the deposit of funds in court for the use of the owner be deferred, or any other coercive action be taken to compel an agreement on the price to be paid for the **property**.

(8) If an interest in real **property** is to be acquired by exercise of the power of eminent domain, formal **condemnation** proceedings shall be instituted. The acquiring agency shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real **property**.

(9) If the acquisition of only a portion of a **property** would leave the owner with an uneconomic remnant, the head of the agency concerned shall offer to acquire that remnant. For the purposes of this chapter, an uneconomic remnant is a parcel of real **property** in which the owner is left with an interest after the partial acquisition of the owner's **property** and that the head of the agency concerned has determined has little or no value or utility.

(10) A person whose real **property** is being acquired in accordance with this chapter may, after the person has been fully informed of his right to receive just compensation for the **property**, donate the **property**, any part thereof, any interest therein, or any compensation paid for it to any agency as the person may determine.

[1988 c 90 § 12; 1971 ex.s. c 240 § 18.]

#### NOTES:

**\*Reviser's note:** The word "or" may have been intended. The language of subsection (7) of this section apparently reflects similar language found in 49 C.F.R. 24.102(h).

**Section captions -- 1988 c 90:** See note following RCW 8.26.010.

---

**RCW 8.26.200****Expenses incidental to transfer of right, title, or interest to the acquiring agency.**

As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a **condemnation** proceeding to acquire real **property**, whichever is the earlier, the acquiring agency shall reimburse the owner, to the extent the acquiring agency deems fair and reasonable, for expenses the owner necessarily incurred for:

(1) Recording fees, transfer taxes, and similar expenses incidental to conveying such real **property** to the acquiring agency;

(2) Penalty costs for full or partial prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real **property**; and

(3) The pro rata portion of real **property** taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possession of such real **property** by the acquiring agency, whichever is the earlier.

[1988 c 90 § 14; 1971 ex.s. c 240 § 20.]

**NOTES:**

**Section captions -- 1988 c 90:** See note following RCW 8.26.010.

---

**RCW 8.26.205****Effect on certain property acquisitions.**

The provisions of RCW 8.26.180, 8.26.190, and 8.26.200 create no rights or liabilities and do not affect the validity of any **property** acquisitions by purchase or **condemnation**.

[1988 c 90 § 15.]

**NOTES:**

**Section captions -- 1988 c 90:** See note following RCW 8.26.010.

---

**Chapter 8.28 RCW**  
**MISCELLANEOUS PROVISIONS**

**RCW SECTIONS**

8.28.010 Where state land is involved -- Service of process -- Filing of decree -- Duty of land commissioner.

8.28.030 Notice where military land is involved.

8.28.040 Interest on verdict fixed -- Suspension during pendency of appeal.

8.28.050 City in adjoining state may **condemn** watershed **property**.

8.28.070 Acquisition of **property** subject to unpaid or delinquent local improvement assessments -- Payment.

**NOTES:**

Opening of roads, railroads through cemetery -- Consent required: RCW 68.24.180.

Petroleum leases -- Rights-of-way over public lands: RCW 79.14.140.

Public lands: Chapter 79.02 RCW.

Water rights  
artesian wells, rights-of-way to: RCW 90.36.010.  
generally: RCW 90.03.040.  
of the United States: RCW 90.40.010.

---

**RCW 8.28.030**

**Notice where military land is involved.**

Whenever any land, real estate, premises or other **property** owned by the state of Washington and used for military purposes shall be involved in or affected by any eminent domain, **condemnation**, local improvement or other special assessment proceeding whatsoever, in addition to the notices elsewhere provided by law, the officer or board required by law to give notice of such proceedings shall cause to be served upon the adjutant general at least twenty days in advance of any hearing therein, a written notice, setting forth the nature of the proceedings, the description of such state **property** sought to be involved therein or affected thereby and the amount of the proposed assessment therein.

[1917 c 107 § 125; RRS § 8600.]

**NOTES:**

**Condemnation** for military purposes: RCW 8.04.170, 8.04.180.

---

**RCW 8.28.050**

**City in adjoining state may condemn watershed property.**

That any municipal corporation of any state adjoining the state of Washington may acquire title to any land or water right within the state of Washington, by purchase or **condemnation**, which lies within any watershed from which said municipal corporation obtains or desires to obtain its water supply.

[1909 c 16 § 1; RRS § 9280.]

---

**RCW 14.07.020**

**Acquisition of property -- Eminent domain -- Exemption.**

Such municipalities may also acquire by purchase, **condemnation** or lease, lands and other **property** for said purpose and dispose of such lands and other **property**, including **property** acquired by tax foreclosure proceedings, by sale or gift for public use to any city, town, port district, county, the state of Washington or the United States of America. Any city, town, port district and county is hereby

empowered to acquire lands and other **property** for said purpose by the exercise of the power of eminent domain under the procedure that is or shall be provided by law for the **condemnation** and appropriation of private **property** for any of their respective corporate uses, and no **property** shall be exempt from such **condemnation**, appropriation or disposition by reason of the same having been or being dedicated, appropriated, or otherwise held to public use: PROVIDED, HOWEVER, That nothing in this chapter shall authorize or entitle any city, town, port district or county to acquire by eminent domain any site or other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes, and seaplanes for aerial transportation of persons, **property**, mail or military or naval aircraft, now or hereafter owned by any other city, town, port district or county.

[1941 c 21 § 2; Rem. Supp. 1941 § 2722-9. Prior: 1933 ex.s. c 3 § 1; 1929 c 93 § 1; 1919 c 48 § 1.]

### RCW 14.08.030

#### Acquisition of property and easements -- Eminent domain -- Encroachments prohibited.

(1) Every municipality is hereby authorized, through its governing body, to acquire **property**, real or personal, for the purpose of establishing, constructing, and enlarging airports and other air navigation facilities and to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate such airports and other air navigation facilities and structures and other **property** incidental to their operation, either within or without the territorial limits of such municipality and within or without this state; to make, prior to any such acquisition, investigations, surveys, and plans; to construct, install and maintain airport facilities for the servicing of aircraft and for the comfort and accommodation of air travelers; and to purchase and sell equipment and supplies as an incident to the operation of its airport properties. It may not, however, acquire or take over any airport or other air navigation facility owned or controlled by any other municipality of the state without the consent of such municipality. It may use for airport purposes any available **property** that is now or may at any time hereafter be owned or controlled by it. Such air navigation facilities as are established on airports shall be supplementary to and coordinated in design and operation with those established and operated by the federal and state governments.

(2) **Property** needed by a municipality for an airport or restricted landing area, or for the enlargement of either, or for other airport purposes, may be acquired by purchase, gift, devise, lease or other means if such municipality is able to agree with the owners of said **property** on the terms of such acquisition, and otherwise by **condemnation** in the manner provided by the law under which such municipality is authorized to acquire like **property** for public purposes, full power to exercise the right of eminent domain for such purposes being hereby granted every municipality both within and without its territorial limits. If but one municipality is involved and the charter of such municipality prescribes a method of acquiring **property** by **condemnation**, proceedings shall be had pursuant to the provisions of such charter and may be followed as to **property** within or without its territorial limits. Any title to real **property** so acquired shall be in fee simple, absolute and unqualified in any way. The fact that the **property** needed has been acquired by the owner under power of eminent domain, shall not prevent its acquisition by the municipality by the exercise of the right of eminent domain herein conferred.

(3) Where necessary, in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports or restricted landing areas acquired or operated under the provisions of this chapter, every municipality is authorized to acquire, in the same manner as is provided for the acquisition of **property** for airport purposes, easements through or other interests in air spaces over land or water, interests in airport hazards outside the boundaries of the airports or restricted landing areas and such other airport protection privileges as are necessary to insure safe approaches to the landing areas of said airports or restricted landing areas and the safe and efficient operation thereof. It is also hereby

authorized to acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress and egress to or from such airport hazards, for the purpose of maintaining and repairing such lights and marks. This authority shall not be so construed as to limit any right, power or authority to zone **property** adjacent to airports and restricted landing areas under the provisions of any law of this state.

(4) It shall be unlawful for anyone to build, rebuild, create, or cause to be built, rebuilt, or created any object, or plant, cause to be planted or permit to grow higher any tree or trees or other vegetation, which shall encroach upon any airport protection privileges acquired pursuant to the provisions of this section. Any such encroachment is declared to be a public nuisance and may be abated in the manner prescribed by law for the abatement of public nuisances, or the municipality in charge of the airport or restricted landing area for which airport protection privileges have been acquired as in this section provided may go upon the land of others and remove any such encroachment without being liable for damages in so doing.

[1945 c 182 § 2; Rem. Supp. 1945 § 2722-31. Formerly RCW 14.08.030, 14.08.040, 14.08.050, and 14.08.060.]

#### NOTES:

**Reviser's note:** Caption for 1945 c 182 § 2, reads as follows: "Municipalities may acquire airports."

#### RCW 14.08.080

##### Method of defraying cost.

The cost of investigating, surveying, planning, acquiring, establishing, constructing, enlarging or improving or equipping airports and other air navigation facilities, and the sites therefor, including structures and other **property** incidental to their operation, in accordance with the provisions of this chapter may be paid for by appropriation of moneys available therefor, or wholly or partly from the proceeds of bonds of the municipality, as the governing body of the municipality shall determine. The word "cost" includes awards in **condemnation** proceedings and rentals where an acquisition is by lease.

[1945 c 182 § 5; Rem. Supp. 1945 § 2722-34.]

#### NOTES:

**Reviser's note:** Caption for 1945 c 182 § 5 reads as follows: "Purchase price and costs of improvement may be paid from appropriations or bond issues."

#### RCW 14.08.200

##### Joint operations.

(1) All powers, rights, and authority granted to any municipality in this chapter may be exercised and enjoyed by two or more municipalities, or by this state and one or more municipalities therein, acting jointly, either within or outside the territorial limits of either or any of the municipalities and within or outside this state, or by this state or any municipality therein acting jointly with any other state or municipality therein, either within or outside this state if the laws of the other state permit such joint action.



(2) For the purposes of this section only, unless another intention clearly appears or the context requires otherwise, this state is included in the term "municipality," and all the powers conferred upon municipalities in this chapter, if not otherwise conferred by law, are conferred upon this state when acting jointly with any municipality or municipalities. Where reference is made to the "governing body" of a municipality, that term means, as to the state, its secretary of transportation.

(3) Any two or more municipalities may enter into agreements with each other, duly authorized by ordinances or resolution, as may be appropriate, for joint action under this section. Concurrent action by the governing bodies of the municipalities involved constitutes joint action.

(4) Each such agreement shall specify its terms; the proportionate interest which each municipality shall have in the **property**, facilities, and privileges involved, and the proportion of preliminary costs, cost of acquisition, establishment, construction, enlargement, improvement, and equipment, and of expenses of maintenance, operation, and regulation to be borne by each, and make such other provisions as may be necessary to carry out the provisions of this section. It shall provide for amendments thereof and for conditions and methods of termination; for the disposition of all or any part of the **property**, facilities, and privileges jointly owned if the **property**, facilities, and privileges, or any part thereof, cease to be used for the purposes provided in this section or if the agreement is terminated, and for the distribution of the proceeds received upon any such disposition, and of any funds or other **property** jointly owned and undisposed of, and the assumption or payment of any indebtedness arising from the joint venture which remains unpaid, upon any such disposition or upon a termination of the agreement.

(5) Municipalities acting jointly as authorized in this section shall create a board from the inhabitants of the municipalities for the purpose of acquiring **property** for, establishing, constructing, enlarging, improving, maintaining, equipping, operating, and regulating the airports and other air navigation facilities and airport protection privileges to be jointly acquired, controlled, and operated. The board shall consist of members to be appointed by the governing body of each municipality involved, the number to be appointed by each to be provided for by the agreement for the joint venture. Each member shall serve for such time and upon such terms as to compensation, if any, as may be provided for in the agreement.

(6) Each such board shall organize, select officers for terms to be fixed by the agreement, and adopt and from time to time amend rules of procedure.

(7) Such board may exercise, on behalf of the municipalities acting jointly by which it is appointed, all the powers of each of the municipalities granted by this chapter, except as provided in this section. Real **property**, airports, restricted landing areas, air protection privileges, or personal **property** costing in excess of a sum to be fixed by the joint agreement, may be acquired, and **condemnation** proceedings may be instituted, only by approval of the governing bodies of each of the municipalities involved. Upon the approval of the governing body, or if no approval is necessary then upon the board's own determination, such **property** may be acquired by private negotiation under such terms and conditions as seem just and proper to the board. The total amount of expenditures to be made by the board for any purpose in any calendar year shall be determined by the municipalities involved by the approval by each on or before the preceding December 1st, of a budget for the ensuing calendar year, which budget may be amended or supplemented by joint resolution of the municipalities involved during the calendar year for which the original budget was approved. Rules and regulations provided for by RCW 14.08.120(2) become effective only upon approval of each of the appointing governing bodies. No real **property** and no airport, other navigation facility, or air protection privilege, owned jointly, may be disposed of by the board by sale except by authority of all the appointing governing bodies, but the board may lease space, land area, or improvements and grant concessions on airports for aeronautical purposes, or other purposes which will not interfere with the aeronautical purposes of such airport, air navigation facility,

or air protection privilege by private negotiation under such terms and conditions as seem just and proper to the board, subject to the provisions of RCW 14.08.120(4). Subject to the provisions of the agreement for the joint venture, and when it appears to the board to be in the best interests of the municipalities involved, the board may sell any personal **property** by private negotiations under such terms and conditions as seem just and proper to the board.

(8) Each municipality, acting jointly with another pursuant to the provisions of this section, is authorized and empowered to enact, concurrently with the other municipalities involved, such ordinances as are provided for by RCW 14.08.120(2), and to fix by such ordinances penalties for the violation thereof. When so adopted, the ordinances have the same force and effect within the municipalities and on any **property** jointly controlled by them or adjacent thereto, whether within or outside the territorial limits of either or any of them, as ordinances of each municipality involved, and may be enforced in any one of the municipalities in the same manner as are its individual ordinances. The consent of the state secretary of transportation to any such ordinance, where the state is a party to the joint venture, is equivalent to the enactment of the ordinance by a municipality. The publication provided for in RCW 14.08.120(2) shall be made in each municipality involved in the manner provided by law or charter for publication of its individual ordinances.

(9) **Condemnation** proceedings shall be instituted, in the names of the municipalities jointly, and the **property** acquired shall be held by the municipalities as tenants in common. The provisions of RCW 14.08.030(2) apply to such proceedings.

(10) For the purpose of providing funds for necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which each of the municipalities involved shall deposit its proportionate share as provided by the joint agreement. Such funds shall be provided for by bond issues, tax levies, and appropriations made by each municipality in the same manner as though it were acting separately under the authority of this chapter. The revenues obtained from the ownership, control, and operation of the airports and other air navigation facilities jointly controlled shall be paid into the fund, to be expended as provided in this chapter. Revenues in excess of cost of maintenance and operating expenses of the joint properties shall be divided or allowed to accumulate for future anticipated expenditures as may be provided in the original agreement, or amendments thereto, for the joint venture. The action of municipalities involved in heretofore permitting such revenues to so accumulate is declared to be legal and valid.

(11) The governing body may by joint directive designate some person having experience in financial or fiscal matters as treasurer of the joint operating agency. Such a treasurer shall possess all the powers, responsibilities, and duties that the county treasurer and auditor possess for a joint operating agency related to creating and maintaining funds, issuing warrants, and investing surplus funds. The governing body may, and if the treasurer is not the county treasurer it shall, require a bond, with a surety company authorized to do business in the state of Washington, in an amount and under the terms and conditions which the governing body finds will protect the joint operating agency. The premium on such bond shall be paid by the joint operating agency. All disbursements from the joint fund shall be made by order of the board in accordance with such rules and regulations and for such purposes as the appointing governing bodies, acting jointly, shall prescribe. If no such joint directive is made by the governing appointing bodies to designate a treasurer, then the provisions of RCW 43.09.285 apply to such joint fund.

(12) Specific performance of the provisions of any joint agreement entered into as provided for in this section may be enforced as against any party thereto by the other party or parties thereto.

[1987 c 254 § 4; 1984 c 7 § 7; 1967 c 182 § 1; 1949 c 120 § 1; 1945 c 182 § 11; Rem. Supp. 1949 § 2722-40. Formerly RCW

14.08.200 through 14.08.280.]

## NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

Joint operations by municipal corporations or political subdivisions, deposit and control of funds: RCW 43.09.285.

### RCW 14.12.220

#### Acquisition of air rights.

In any case in which: (1) It is desired to remove, lower, or otherwise terminate a nonconforming structure or use; or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this chapter; or (3) it appears advisable that the necessary approach protection be provided by acquisition of **property** rights rather than by airport zoning regulations, the political subdivision within which the **property** or nonconforming use is located or the political subdivision owning the airport or served by it may acquire, by purchase, grant, or **condemnation** in the manner provided by the law under which political subdivisions are authorized to acquire real **property** for public purposes, such air right, avigation easement [easement], or other estate or interest in the **property** or nonconforming structure or use in question as may be necessary to effectuate the purposes of this chapter.

[1945 c 174 § 13; Rem. Supp. 1945 § 2722-27.]

---

## Chapter 15.08 RCW HORTICULTURAL PESTS AND DISEASES

### RCW SECTIONS

15.08.010 Definitions.

15.08.020 Methods of prevention, control and disinfection.

15.08.025 Disinfection of fruit trees -- Procedures to be followed.

15.08.030 Duty to disinfect, destroy -- Disposal of cuttings.

15.08.040 Authority to enter premises -- Interference unlawful.

15.08.050 **Condemnation** of infected **property** -- Disposal of, unlawful.

15.08.060 **Condemnation** of infected **property** -- Notice to owner -- Division into classes.

15.08.070 **Condemnation** of infected **property** -- Use of **condemned** fruit, vegetables -- Permit.

15.08.080 **Condemnation** of infected **property** -- Service of notice -- Personal, constructive, substituted.

15.08.090 **Condemnation** of infected **property** -- Duty to comply -- Inspector's duty on failure -- Lien for costs.

15.08.100 Foreclosure of lien -- Sale -- Notice of impounding -- Contents.

15.08.110 Sale proceeds -- Deficiency -- Action to recover.

- 15.08.120 Record of proceedings -- Verified copy as evidence.
- 15.08.130 Record of premises disinfected -- Costs -- Lien.
- 15.08.140 Hearing on costs -- Notice -- Service.
- 15.08.150 Payment and release -- Order on amount -- Priority of lien.
- 15.08.160 Payment date -- Cancellation of lien.
- 15.08.170 Failure to pay -- Conversion into taxes -- Use.
- 15.08.180 Inspection board -- Creation -- Duties -- Powers.
- 15.08.190 Report of inspection -- Nuisance abatement.
- 15.08.200 Notice of hearing -- Service -- Adjournments.
- 15.08.210 Order of abatement.
- 15.08.220 Appeals -- Bond for damages.
- 15.08.230 Disinfection of public properties.
- 15.08.240 Dumping infected products, containers, prohibited.
- 15.08.250 Host-free districts -- Director's duties.
- 15.08.260 Horticultural tax.
- 15.08.270 Basis for estimating the tax.

#### NOTES:

Pest control compact: Chapter 17.34 RCW.

---

#### RCW 15.08.050

##### **Condemnation of infected property -- Disposal of, unlawful.**

If the premises or **property** inspected is found to be infected the inspecting officer shall **condemn** the same and serve upon the owner or person in charge thereof a written notice of the **condemnation**, describing the premises or **property** with reasonable certainty, and ordering the infected portion to be disinfected, or to be destroyed if incapable of disinfection, within a time and in a manner stated therein, and giving notice that if the order is not complied with in the time stated, the officer will disinfect or destroy the **property** and charge the expense thereof to the owner or against the premises.

No person shall ship, sell, or otherwise dispose of or part with possession of, or transport, any such **condemned property** until all requirements of said notice and order are complied with and written permit of the inspector so to do is issued.

[1961 c 11 § 15.08.050. Prior: 1943 c 150 § 4, part; 1929 c 150 § 1, part; 1925 ex.s. c 108 § 1, part; 1919 c 195 § 2 1/2, part; 1915 c 166 § 10, part; Rem. Supp. 1943 § 2848, part.]

---

#### RCW 15.08.060

##### **Condemnation of infected property -- Notice to owner -- Division into classes.**

Said notice of **condemnation** shall also grant permission to the owner or person in charge of infected fruit, vegetables, or nursery stock to divide the same into classes:

- (1) The portion not infected;
- (2) The infected portion which is capable of successful disinfection; and
- (3) The infected portion which is incapable of successful disinfection and must be destroyed.

Said notice shall require the owner or person to disinfect class (2) and destroy class (3) within the time stated.

[1961 c 11 § 15.08.060. Prior: 1943 c 150 § 4, part; 1929 c 150 § 1, part; 1925 ex.s. c 108 § 1, part; 1919 c 195 § 2 1/2, part; 1915 c 166 § 10, part; Rem. Supp. 1943 § 2848, part.]

#### **RCW 15.08.070**

##### **Condemnation of infected property -- Use of condemned fruit, vegetables -- Permit.**

In the case of fruit or vegetables which cannot be successfully disinfected the inspector may grant to the owner or person in charge thereof a written permit to use the **condemned** products for stock feed, or manufacture the same into byproducts, or ship them to a byproduct factory; and it is unlawful for the person receiving such permit to sell or dispose of such products without first having the same manufactured into a byproduct or shipped to a byproduct factory, or to divert any such shipment when made, or for the consignee of such shipment to sell or dispose of the same until it is manufactured into a byproduct.

[1961 c 11 § 15.08.070. Prior: 1943 c 150 § 4, part; 1929 c 150 § 1, part; 1925 ex.s. c 108 § 1, part; 1919 c 195 § 2 1/2, part; 1915 c 166 § 10, part; Rem. Supp. 1943 § 2848, part.]

#### **RCW 15.08.080**

##### **Condemnation of infected property -- Service of notice -- Personal, constructive, substituted.**

Personal service of said notice shall be made upon the person in possession or in charge of said premises or **property** if possible. If such person is not the owner, or personal service cannot be made on such person, then a copy of the notice shall be mailed or telegraphed to the owner at his home or post office address if known or can with reasonable diligence be ascertained. If personal service cannot be made upon any person in possession or charge of the premises or **property** and the name and address of the owner thereof are not known or cannot be so ascertained, then the notice shall be served by posting the same in some conspicuous place on the premises where the **property** to be disinfected or destroyed is situated, which service by posting shall be construed to be constructive personal service upon such owner. If the name and address of the owner are not known or cannot be so ascertained, service upon the person in possession or charge of the premises or **property** shall constitute substituted personal service upon the owner, in the absence of fraud or gross neglect.

[1961 c 11 § 15.08.080. Prior: 1943 c 150 § 4, part; 1929 c 150 § 1, part; 1925 ex.s. c 108 § 1, part; 1919 c 195 § 2 1/2, part; 1915 c 166 § 10, part; Rem. Supp. 1943 § 2848, part.]

**RCW 15.08.090****Condemnation of infected property -- Duty to comply -- Inspector's duty on failure -- Lien for costs.**

Except as hereinabove provided, upon service of said notice the owner or person in possession or charge of the premises or **property** shall comply with its terms within the time specified. In case of their failure so to do, the inspector may enter the premises and perform or cause to be performed the services required in the notice. He shall keep an accurate account of the expense of performing said services, which shall become a lien on the premises or **property** which may be foreclosed in the manner herein provided. The lien on personal **property** shall have preference over all other liens.

If the inspector has not disinfected or destroyed the **property** it may be declared a nuisance as herein provided and treated as such.

[1961 c 11 § 15.08.090. Prior: (i) 1943 c 150 § 4, part; 1929 c 150 § 1, part; 1925 ex.s. c 108 § 1, part; 1919 c 195 § 2 1/2, part; 1915 c 166 § 10, part; Rem. Supp. 1943 § 2848, part. (ii) 1943 c 150 § 5; 1935 c 168 § 4; 1931 c 27 § 2; 1927 c 311 § 4; 1915 c 166 § 11; Rem. Supp. 1943 § 2849.]

**RCW 17.24.121****Acquisition of lands, water supply, or other properties for quarantine locations.**

The director may acquire, in fee or in trust, by gift, or whenever funds are appropriated for such purposes, by purchase, easement, lease, or **condemnation**, lands or other **property**, water supplies, as may be deemed necessary for use by the department for establishing quarantine stations for the purpose of the isolation, prevention, eradication, elimination, and control of insect pests or plant pathogens that affect the agricultural or horticultural products of the state; for the propagation of biological control agents; or the isolation of genetically engineered plants or plant pests; or the isolation of bee pests.

[1991 c 257 § 16.]

**RCW 17.28.160****Powers of district.**

A mosquito control district organized under this chapter may:

- (1) Take all necessary or proper steps for the extermination of mosquitoes.
- (2) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes.
- (3) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair, and maintain necessary dikes, levees, cuts, canals, or ditches upon any land, and acquire by purchase, **condemnation**, or by other lawful means, in the name of the district, any lands, rights of way, easements, **property**, or material necessary for any of those purposes.
- (4) Make contracts to indemnify or compensate any owner of land or other **property** for any injury or damage necessarily caused by the use or taking of **property** for dikes, levees, cuts, canals, or ditches.
- (5) Enter upon without hindrance any lands within the district for the purpose of inspection to

ascertain whether breeding places of mosquitoes exist upon such lands; or to abate public nuisances in accordance with this chapter; or to ascertain if notices to abate the breeding of mosquitoes upon such lands have been complied with; or to treat with oil or other larvicidal material any breeding places of mosquitoes upon such lands.

(6) Sell or lease any land, rights of way, easements, **property** or material acquired by the district.

(7) Issue warrants payable at the time stated therein to evidence the obligation to repay money borrowed or any other obligation incurred by the district, warrants so issued to draw interest at a rate fixed by the board payable annually or semiannually as the board may prescribe.

(8) Make contracts with the United States, or any state, municipality, or any department of those entities for carrying out the general purpose for which the district is formed.

(9) Acquire by gift, devise, bequest, lease, or purchase, real and personal **property** necessary or convenient for its purposes.

(10) Make contracts, employ engineers, health officers, sanitarians, physicians, laboratory personnel, attorneys, and other technical or professional assistants; and publish information or literature and do any and all other things necessary or incident to the powers granted by, and to carry out the projects specified in this chapter.

[1981 c 156 § 1; 1957 c 153 § 16.]

---

## **RCW 28A.335.220**

### **Eminent domain.**

The board of directors of any school district may proceed to **condemn** and appropriate not more than fifteen acres of land for any elementary school purpose; not more than twenty-five acres for any junior high school purpose; not more than forty acres for any senior high school purpose; except as otherwise provided by law, not more than seventy-five acres for any vocational technical school purpose; and not more than fifteen acres for any other school district purpose. Such **condemnation** proceedings shall be in accordance with chapters 8.16 and 8.25 RCW and such other laws of this state providing for appropriating private **property** for public use by school districts.

[1969 ex.s. c 223 § 28A.58.070. Prior: 1963 c 41 § 1; 1957 c 155 § 1; 1949 c 54 § 1; 1909 c 97 p 289 § 13; Rem. Supp. 1949 § 4788. Formerly RCW 28A.58.070, 28.58.070.]

---

## **RCW 28B.10.020**

### **Acquisition of property by universities and The Evergreen State College.**

The boards of regents of the University of Washington and Washington State University, respectively, and the boards of trustees of Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College, respectively, shall have the power and authority to acquire by exchange, gift, purchase, lease, or **condemnation** in the manner provided by chapter 8.04 RCW for **condemnation** of **property** for public use, such lands, real estate and other **property**, and interests therein as they may deem necessary for the use of said institutions respectively. However, the purchase or lease of major off-campus facilities is subject to the approval of the higher education coordinating board under RCW 28B.76.230.

[2004 c 275 § 47; 1985 c 370 § 50; 1977 ex.s. c 169 § 7; 1969 ex.s. c 223 § 28B.10.020. Prior: 1967 c 47 § 16; 1947 c 104 § 1; Rem. Supp. 1947 § 4623-20. Formerly RCW 28.76.020.]

## NOTES:

**Part headings not law -- 2004 c 275:** See note following RCW 28B.76.030.

**Severability -- Nomenclature -- Savings -- 1977 ex.s. c 169:** See notes following RCW 28B.10.016.

---

## Title 35 RCW CITIES AND TOWNS

### Chapters

- 35.01 Municipal corporations classified.
- 35.02 Incorporation proceedings.
- 35.06 Advancement of classification.
- 35.07 Disincorporation.
- 35.10 Consolidation and annexation of cities and towns.
- 35.13 Annexation of unincorporated areas.
- 35.13A Water or sewer districts -- Assumption of jurisdiction.
- 35.14 Community municipal corporations.
- 35.16 Reduction of city limits.
- 35.17 Commission form of government.
- 35.18 Council-manager plan.
- 35.20 Municipal courts -- Cities over four hundred thousand.
- 35.21 Miscellaneous provisions.
- 35.22 First class cities.
- 35.23 Second class cities.
- 35.27 Towns.
- 35.30 Unclassified cities.
- 35.31 Accident claims and funds.
- 35.32A Budgets in cities over 300,000.
- 35.33 Budgets in second and third class cities, towns, and first class cities under 300,000.
- 35.34 Biennial budgets.
- 35.36 Execution of bonds by proxy -- First class cities.
- 35.37 Fiscal -- Cities under 20,000 and cities other than first class -- Bonds.
- 35.38 Fiscal -- Depositories.
- 35.39 Fiscal -- Investment of funds.



- 35.40 Fiscal -- Validation and funding of debts.
- 35.41 Fiscal -- Municipal revenue bond act.
- 35.42 Leases.
- 35.43 Local improvements -- Authority -- Initiation of proceedings.
- 35.44 Local improvements -- Assessments and reassessments.
- 35.45 Local improvements -- Bonds and warrants.
- 35.47 Local improvements -- Procedure for cancellation of nonguaranteed bonds.
- 35.48 Local improvements -- Nonguaranteed bonds.
- 35.49 Local improvements -- Collection of assessments.
- 35.50 Local improvements -- Foreclosure of assessments.
- 35.51 Local improvements -- Classification of **property** -- Reserve funds.
- 35.53 Local improvements -- Disposition of **property** acquired.
- 35.54 Local improvements -- Guaranty funds.
- 35.55 Local improvements -- Filling lowlands.
- 35.56 Local improvements -- Filling and draining lowlands -- Waterways.
- 35.57 Public facilities districts.
- 35.58 Metropolitan municipal corporations.
- 35.59 Multi-purpose community centers.
- 35.60 World fairs or expositions -- Participation by municipalities.
- 35.61 Metropolitan park districts.
- 35.62 Name -- Change of.
- 35.63 Planning commissions.
- 35.64 Zoos and aquariums.
- 35.66 Police matrons.
- 35.67 Sewerage systems -- Refuse collection and disposal.
- 35.68 Sidewalks, gutters, curbs, and driveways -- All cities and towns.
- 35.69 Sidewalks -- Construction, reconstruction in first and second class cities.
- 35.70 Sidewalks -- Construction in second class cities and towns.
- 35.71 Pedestrian malls.
- 35.72 Contracts for street, road, and highway projects.
- 35.73 Street grades -- Sanitary fills.
- 35.74 Streets -- Drawbridges.
- 35.75 Streets -- Bicycles -- Paths.
- 35.76 Streets -- Budget and accounting.
- 35.77 Streets -- Planning, establishment, construction, and maintenance.

- 35.78 Streets -- Classification and design standards.
- 35.79 Streets -- Vacation.
- 35.80 Unfit dwellings, buildings, and structures.
- 35.80A **Condemnation** of blighted **property**.
- 35.81 Community renewal law.
- 35.82 Housing authorities law.
- 35.83 Housing cooperation law.
- 35.84 Utility and other services beyond city limits.
- 35.85 Viaducts, elevated roadways, tunnels and subways.
- 35.86 Off-street parking facilities.
- 35.86A Off-street parking -- Parking commissions.
- 35.87 Parking facilities -- Conveyance of land for in cities over 300,000.
- 35.87A Parking and business improvement areas.
- 35.88 Water pollution -- Protection from.
- 35.89 Water redemption bonds.
- 35.91 Municipal water and sewer facilities act.
- 35.92 Municipal utilities.
- 35.94 Sale or lease of municipal utilities.
- 35.95 Public transportation systems in municipalities.
- 35.95A City transportation authority -- Monorail transportation.
- 35.96 Electric and communication facilities -- Conversion to underground.
- 35.97 Heating systems.
- 35.98 Construction.
- 35.99 Telecommunications, cable television service -- Use of right of way.
- 35.100 Downtown and neighborhood commercial districts.
- 35.101 Tourism promotion areas.
- 35.102 Municipal business and occupation tax.
- 35.103 Fire departments -- Performance measures.

## NOTES:

Acquisition of open space, etc., land or rights to future development by counties, cities or metropolitan municipal corporations, tax levy: RCW 84.34.200 through 84.34.240, 84.52.010.  
**property** for state highway purposes: RCW 47.12.040.  
 real or personal **property**, executory conditional sales contracts for: RCW 39.30.010.

Actions against

public corporations: RCW 4.08.120.

state: Chapter 4.92 RCW.

Actions by in corporate name: RCW 4.08.110.

Adjoining state, eminent domain for watershed: RCW 8.28.050.

Airport zoning: Chapter 14.12 RCW.

Airports, generally: Chapters 14.07, 14.08 RCW.

Alcoholism, private establishments and institutions, prescription of standards: RCW 71.12.550.

Armories, powers concerning: RCW 36.64.050, 38.20.020.

Assessments and charges against state lands: Chapter 79.44 RCW.

Assessor's plats: Chapter 58.18 RCW.

Associations of municipal corporations or municipal officers to furnish information to legislature and governor: RCW 44.04.170.

Auditing false claim, penalty: RCW 42.20.060.

Bankruptcy readjustment and relief from debts: Chapter 39.64 RCW.

Blind made products, purchase of by cities and towns authorized: RCW 19.06.020.

Board of eminent domain commissioners, appointment of: RCW 8.12.260.

#### Bonds

airports: RCW 14.08.112.

declaratory judgments: Chapter 7.25 RCW.

eminent domain by cities: Chapter 8.12 RCW.

form, terms, maturity: Chapter 39.44 RCW.

industrial development: Chapter 39.84 RCW.

juvenile correctional institution, authorized investment: RCW 72.19.120.

mutual savings banks, authorized investment for: RCW 32.20.070, 32.20.090, 32.20.100.

refunding of: Chapter 39.53 RCW.

savings and loan associations, authorized investment: RCW 33.24.060, 33.24.070.

statewide city employees' retirement system funds, investment in: RCW 41.44.100.

United States, sale of bonds to at private sale: Chapter 39.48 RCW.

utility or waterworks, refunding with general obligation funding bonds: Chapter 39.53 RCW.

Boundaries and plats: Title 58 RCW.

Boundary review board, extension of water and sewer service beyond corporate boundaries to go before: RCW 36.93.090.

Bribery of public officer: State Constitution Art. 2 § 30.

## Bridges

as part of state highway system: Chapter 47.24 RCW.  
eminent domain for: RCW 8.12.030.

## Buildings

earthquake standards for construction: Chapter 70.86 RCW.  
newly constructed, appraisal by assessor: RCW 36.21.070 and 36.21.080.

Burial of dead, authority to provide for: RCW 68.52.030.

Camping resort contracts -- Nonapplicability of certain laws to -- Club not subdivision except under city, county powers: RCW 19.105.510.

Cemeteries: Title 68 RCW.

## Charters

alternative propositions, submission of: State Constitution Art. 11 § 10 (Amendment 40).  
amendment by special law prohibited: State Constitution Art. 2 § 28(8).  
power of certain cities to frame, procedure: State Constitution Art. 11 § 10 (Amendment 40).

City and town treasurers' duties under Washington Clean Air Act: RCW 70.94.094.

## City attorney

eminent domain by cities, military purposes, for, duties: RCW 8.04.170, 8.04.180.  
food, drug and cosmetic act violations, prosecution by: RCW 69.04.160.

City council, unincorporated towns on United States land, powers of review: RCW 58.28.520.

City engineer, tidelands and shorelands, records of plats filed with: RCW 79.125.040.

City halls, jointly with county courthouses: RCW 36.64.010 through 36.64.040.

## City treasurer

bonds, compensation payment in eminent domain proceedings, liability on: RCW 8.12.500.  
cemetery improvement funds, deposit with: RCW 68.52.050.  
cities of first class, employees' retirement fund custodian: RCW 41.28.080.  
city street fund, notice of illegal use: RCW 47.08.100.  
firemen's pension board member: RCW 41.16.020.  
misappropriation of funds: RCW 42.20.090.  
moneys to be deposited with treasurer: State Constitution Art. 11 § 15.  
motor vehicle funds, distribution to: RCW 46.68.080.  
police relief and pension board member: RCW 41.20.010.  
use of money by official: State Constitution Art. 11 § 14.

Civil service, generally: Title 41 RCW.

## Claims

auditing and paying false claim, penalty: RCW 42.20.060.  
contracts and liabilities incurred in violation of indebtedness limitations are void: RCW 39.36.040.

Classification by population: State Constitution Art. 11 § 10 (Amendment 40).

#### Clerks

city streets as part of state highway system certified to clerk: RCW 47.24.010.  
 firemen's pension board member: RCW 41.16.020.  
 ordinances recorded by: RCW 5.44.080.  
 police relief and pension board of trustees member: RCW 41.20.010.  
 volunteer fire fighters' relief and pension board of trustees, member of: RCW 41.24.060.

#### Code of ethics for

municipal officers -- Contract interests: Chapter 42.23 RCW.  
 public officers and employees: Chapter 42.52 RCW.

Commission form, nonpartisan primaries: Chapter 29A.52 RCW.

#### Comptroller

first class cities retirement system, duties of: RCW 41.28.040, 41.28.080.  
 member firemen's relief and pension boards: RCW 41.16.020, 41.16.040.  
 member volunteer fire fighters' board of trustees: RCW 41.24.060, 41.24.070.

Conditional sales contracts for purchase of real or personal **property**: RCW 39.30.010.

Continuity of government in event of enemy attack, succession to office of executive heads: RCW 42.14.050.

Contractors' registration, exemption from: RCW 18.27.090(1).

#### Contracts

for purchase of real or personal **property**: RCW 39.30.010.  
 indebtedness limitations, contracts made in violation of, void: RCW 39.36.040.  
 joint city halls with county courthouses: RCW 36.64.010 through 36.64.040.  
 parks and recreation cooperation: RCW 67.20.020.

Conveyance of real **property** by public bodies -- Recording: RCW 65.08.095.

Corporate stock or bonds not to be owned by: State Constitution Art. 8 § 7.

Corporation counsel, eminent domain by cities, military purposes, for: RCW 8.04.170, 8.04.180.

Counties, city harbor in two counties, effect upon assessments: RCW 36.08.030.

County highways, open spaces in cities and towns: Chapter 36.89 RCW.

County **property**, transfer to municipality, approval necessary: RCW 36.34.280.

County roads and bridges, assistance in finances: RCW 36.76.110.

County sewerage, water and drainage systems, authority, procedure: Chapter 36.94 RCW.

Courthouses, jointly with city halls: RCW 36.64.010 through 36.64.040.

Creation by special act prohibited: State Constitution Art. 2 § 28(8).

Credit card use by local governments: RCW 43.09.2855.

Credit not to be loaned: State Constitution Art. 8 § 7.

#### Crimes

civil rights, denial by: RCW 9.91.010.

gambling: Chapters 9.46, 9.47 RCW.

Dams, ditches, etc., restrictions for purpose of fish conservation: Chapter 77.55 RCW.

Diking and drainage districts: Chapters 85.05, 86.09 RCW.

Drainage districts, inclusion within: RCW 85.06.230.

Earthquake standards for construction: Chapter 70.86 RCW.

Elective officers, recall: State Constitution Art. 1 §§ 33, 34 (Amendment 8), chapter 29A.56 RCW.

Electors, qualifications of: State Constitution Art. 6 § 1 (Amendment 63).

#### Electric

energy, falling waters -- Sale or purchase authorized: RCW 43.52.410.

franchises and rights of way: Chapter 80.32 RCW.

revenue bonds, mutual savings banks, investment in: RCW 32.20.070, 32.20.100.

#### Electrical

apparatus use and construction rules, violation of, penalty: RCW 19.29.050.

installations, requirements and inspection: Chapter 19.28 RCW.

utilities, franchises for electrical utilities on streets: RCW 80.32.010.

Electricity, steam generation: RCW 43.21A.610 through 43.21A.642.

Elevators, lifting devices, and moving walks: Chapter 70.87 RCW.

Emergency vehicle, authorized, defined: RCW 46.04.040.

#### Eminent domain

bridges, for: RCW 8.12.030, 47.24.030.

generally: State Constitution Art. 1 § 16 (Amendment 9), Title 8 RCW.

limited access streets, acquisition of land, by: RCW 47.52.050.

state lands: RCW 8.12.030, 8.12.080, 79.10.070.

streets and highways, wharves and bridges for state highway purposes: RCW 47.24.030.

watersheds, state land: RCW 79.10.070.

Fees, special permits for motor vehicle oversize or overweight movement, fees paid to cities and towns, when: RCW 46.44.096.

Ferries, joint acquisition with counties: RCW 36.54.020.

Financing procedures, validation: Chapter 39.90 RCW.

#### Fines

payment into police relief and pension fund: RCW 41.20.130.

superior court jurisdiction to determine legality of: RCW 2.08.010.

supreme court jurisdiction to determine legality of: RCW 2.04.010.

Fire department vehicles, lighting, plates: RCW 46.37.184 through 46.37.188 and 46.37.190.

#### Fire fighters

chief as member of volunteer fire fighters' relief and pension board of trustees: RCW 41.24.060.

civil service, qualifications of applicants for positions: RCW 41.08.070.

jury duty, exemption from: RCW 2.36.080.

militia duty, exemption: RCW 38.44.030.

Fire fighters' retirement and pension acts: Chapters 41.16, 41.18, 41.24 RCW.

Fire prevention, areas withdrawn from fire protection and emergency medical districts: RCW 52.08.035.

#### Fire protection districts

annexed to or incorporated into city or town, firemen's retirement and job security rights protected: RCW 41.16.250.

joint operation: RCW 52.08.035.

withdrawal from: RCW 52.08.025.

Fireworks, permit for: RCW 70.77.260.

#### First class cities

birth and death records, furnishing of, fees: RCW 70.58.107.

elections, names of candidates, order on ballots: RCW 29A.52.210

elections, nonpartisan primaries: Chapter 29A.52 RCW.

harbor improvements, joint planning authorized: RCW 88.32.240, 88.32.250.

public health pooling fund: Chapter 70.12 RCW.

retirement and pensions: Chapter 41.28 RCW.

taxes, collection by county treasurer: RCW 36.29.100, 36.29.110.

vital statistics, primary registration district: RCW 70.58.010.

#### Flood control

benefits, liability for: RCW 86.09.529.

maintenance, state participation in: Chapter 86.26 RCW.

Food and beverage workers' permits: Chapter 69.06 RCW.

Fourth class cities (see Towns, chapter 35.27 RCW).

#### Franchises and privileges

bridges jointly owned or operated with state: RCW 47.44.040.

electric franchises and rights of way on city streets: RCW 80.32.010.

Fresh pursuit, uniform act: Chapter 10.89 RCW.

## Funds

assessment fund for compensation of eminent domain damages by city to be kept separate: RCW 8.12.480.

city street fund, established, use: RCW 47.24.040.

city street fund, illegal use of, procedure to correct: RCW 47.08.100.

current expense, sale of unclaimed **property**: RCW 63.32.030.

general, justice and inferior courts act of 1961, bail forfeitures paid into: RCW 3.30.090.

general, policemen's relief and pension fund, surplus paid into general fund: RCW 41.20.140.

motor vehicle fund, purposes authorized for use: RCW 36.82.070.

police pension, surplus funds to general fund: RCW 41.20.140.

police pension fund, sale of unclaimed **property**: RCW 63.32.030.

public health pooling fund, generally: Chapter 70.12 RCW.

statewide city employees' retirement fund: RCW 41.44.100.

street, county road and bridge violations, fines paid into: RCW 36.82.210.

street, directional signs, paid from: RCW 47.36.040.

Gambling activities, cities or towns, as affecting: Chapter 9.46 RCW.

Garbage, eminent domain by cities for garbage dumps: RCW 8.12.030.

Grand jury, inquiry as to misconduct: RCW 10.27.100.

Harbor areas lying in two or more counties, transfer of territory: Chapter 36.08 RCW.

Harbor improvements, joint planning for by first class cities and counties: RCW 88.32.240, 88.32.250.

Harbor line commission and restraint on disposition: State Constitution Art. 15 § 1 (Amendment 15).

## Health departments

generally: Chapters 70.05 and 70.08 RCW.

individuals with mental illness: Chapter 43.20A RCW.

vital statistics: Chapter 70.58 RCW, RCW 70.58.107.

Health districts: Chapter 70.46 RCW.

Hearses, authority to provide: RCW 68.52.030.

Highway advertising control act of 1961 restricts placing of signs by: Chapter 47.42 RCW.

Highway funds, allocation of: State Constitution Art. 2 § 40 (Amendment 18).

## Highways

abandoned, transfer to city or town: RCW 36.75.090.

franchises: Chapter 47.44 RCW.

return of street to city or town: RCW 47.24.010.

roads or streets, cooperative agreements to benefit: RCW 47.28.140.

sale, lease or gift of municipally owned land to state for, without bids: RCW 47.12.040.

vertical clearances over: RCW 46.44.020.

Historical materials, expenditure of funds for preservation and exhibition of authorized: RCW



27.48.010.

Hospitalization and medical aid for public employees and dependents, premiums, governmental contributions authorized: RCW 41.04.180, 41.04.190.

#### Hospitals

eminent domain for: RCW 8.12.030.

for individuals with mental illness, private establishments, prescription of standards: RCW 71.12.550.

joint operation with counties: RCW 36.62.030, 36.62.110.

#### Incorporation

fire protection districts, effect upon: RCW 52.08.021, 52.08.035.

general laws, must be under: State Constitution Art. 11 § 10 (Amendment 40).

#### Indebtedness

bankruptcy readjustment and relief from debts: Chapter 39.64 RCW.

computation of: RCW 39.36.030.

eminent domain, contracting indebtedness to pay compensation for, reimbursement from local assessments: RCW 8.12.250.

limitations upon: State Constitution Art. 7 § 2 (Amendments 55, 59), Art. 8 § 6 (Amendment 27), chapter 39.36 RCW, RCW 39.52.020, 84.52.050.

Industrial development revenue bonds: Chapter 39.84 RCW.

Insurance companies, excise or privilege taxes, state preemption: RCW 48.14.020(4).

Intergovernmental disposition of **property**: Chapter 39.33 RCW.

#### Investment

by mutual savings banks in bonds and warrants of: RCW 32.20.070, 32.20.120.

by savings and loan associations in bonds or warrants of: RCW 33.24.050.

of municipal funds in savings and loan associations by county or other municipal corporation treasurer authorized: RCW 36.29.020.

of public and trust funds in federal agency bonds: Chapter 39.60 RCW.

#### Jails

city and county jails act: Chapter 70.48 RCW.

eminent domain for: RCW 8.12.030.

working of prisoners permitted: RCW 9.92.130.

Joint governmental activities: Chapter 36.64 RCW.

Joint operating agencies for electric power: Chapter 43.52 RCW.

Joint operations by municipal corporations, deposit and control of funds: RCW 43.09.285.

Judgment against local governmental entity, enforcement: RCW 6.17.080.

Judicial officers, inferior, powers: RCW 2.28.090.

Labor relations consultants: RCW 43.09.230.

Legal publications: Chapter 65.16 RCW.

Libraries, conditional sales contracts by cities and towns for purchase of **property** for libraries authorized, vote required if exceeds indebtedness: RCW 39.30.010.

Library service, contracts for authorized: RCW 27.12.180.

Library trustees, removal of: RCW 27.12.190.

Licenses, exemptions: RCW 36.71.090.

Liens for  
employees for contributions to benefit plans: Chapter 60.76 RCW.  
labor and materials on public works: Chapter 60.28 RCW.

Limitation of actions, application of statute of limitations to actions by: RCW 4.16.160.

Limitation on tax levies: State Constitution Art. 7 § 2 (Amendments 55, 59), RCW 84.52.050.

Local adopt-a-highway programs: RCW 47.40.105.

Lost and found **property**: Chapter 63.21 RCW.

Markets and marketing, eminent domain by cities for: RCW 8.12.030.

Material removed for channel or harbor improvement, or flood control -- Use for public purpose: RCW 79.140.110.

Mayor  
agent to receive summons: RCW 4.28.080.  
bonds, signing of: RCW 39.52.020.  
cemetery board, appointment by: RCW 68.52.045.  
cemetery improvement fund, indorsement by of payments from: RCW 68.52.050.  
district court districting committee: RCW 3.38.010.  
firemen's pension board, member of: RCW 41.16.020.  
issuance of search warrant by for violation of cigarette tax: RCW 82.24.190.  
notification to of illegal use of city road funds: RCW 47.08.100.  
police relief and pension board of trustees, member of: RCW 41.20.010.  
public works contractor's bond, liability of mayor for failure to take: RCW 39.08.015.  
state limited access facility through city or town, board of review to review plan, mayor to appoint members of: RCW 47.52.150.  
volunteer fire fighters' relief and pension board member: RCW 41.24.060.

Meetings of governmental bodies, open to public: Chapter 42.30 RCW.

Mental health and retardation services -- Interstate contracts by cities in boundary counties: RCW 71.28.010.

Militia and military affairs, eminent domain for military purposes: RCW 8.04.170, 8.04.180.

Minutes of governmental bodies, open to public: Chapter 42.32 RCW.

Misconduct of public officers: Chapter 42.20 RCW.

Motor vehicle excise fund, preemption by state: RCW 82.36.440.

Motor vehicle fuel tax  
distribution of proceeds to: RCW 82.36.020.  
refunds for urban transportation systems: RCW 82.36.275.

Motor vehicle fund, allocation of and distribution: RCW 46.68.110.

Motor vehicle inspection by: Chapter 46.32 RCW.

Motor vehicles, special permits for oversize or overweight movements, collection of fees: RCW 46.44.096.

Municipal courts  
authorization, establishment, generally: Chapter 3.46 RCW.  
jurisdiction: State Constitution Art. 4 §§ 4, 6 (Amendment 28).  
legislature may provide: State Constitution Art. 4 § 1.  
traffic school for offenders, court may compel attendance: RCW 46.83.050.

Municipalities -- Energy audits and efficiency: RCW 43.19.691.

Nuisances  
powder magazine nearby is public nuisance, when: RCW 7.48.140.  
public: Chapter 9.66 RCW.

Officers and employees  
actions against, venue: RCW 4.12.020(2).  
code of ethics -- Contracts: Chapter 42.23 RCW.  
code of ethics -- State agencies and legislative employees: Chapter 42.52 RCW.  
continuity of government in event of enemy attack, succession: RCW 42.14.050.  
eligibility to hold office: RCW 42.04.020.  
hospitalization and medical aid for employees and dependents: RCW 41.04.180, 41.04.190.  
hours of labor: Chapter 49.28 RCW.  
jury duty, exemption from: RCW 2.36.080.  
military leave: RCW 38.40.060.  
minimum wage: RCW 49.46.010(5).  
misconduct, penalty: Chapter 42.20 RCW.  
public moneys deposited with treasurer: State Constitution Art. 11 § 15.  
salaries, not be changed during term: State Constitution Art. 11 § 8 (Amendment 57).  
subversive activities: Chapter 9.81 RCW.  
term not to be extended: State Constitution Art. 11 § 8 (Amendment 57).  
use of public money by, felony: State Constitution Art. 11 § 14.  
vacancies: Chapter 42.12 RCW.

## Official bonds

payment of premiums: RCW 48.28.040.  
security to city or town: Chapter 42.08 RCW.

Old age and survivors' insurance: Chapters 41.47, 41.48 RCW.

## Ordinances

adoption at public meetings: RCW 42.30.060.  
air pollution control: Chapter 70.94 RCW.  
airport joint operation: RCW 14.08.200(8).  
combined city-county health department, establishment: RCW 70.08.010.  
contractor's bond: RCW 39.08.030.  
declaratory judgment as to: Chapter 7.24 RCW.  
electrical installations: RCW 19.28.010, 19.28.141.  
eminent domain, authority to acquire recreational facilities by: RCW 67.20.010.  
eminent domain, ordinance to provide methods of payment of compensation: RCW 8.12.040.  
evidence, admissible as, when: RCW 5.44.080.  
industrial insurance, benefits to injured employees under: RCW 51.12.050.  
liquor control, power of municipalities to adopt police regulations: RCW 66.08.120.  
minimum wage law supplementary to: RCW 49.46.120.  
payment of lower wages than obligated, penalty: RCW 49.52.050.  
plots resurvey authorized and regulation of: RCW 58.10.030, 58.10.040.  
port district regulations, adoption: RCW 53.08.220.  
recording as evidence of passage: RCW 5.44.080.  
statewide city employees' retirement, election to join by: RCW 41.44.050, 41.44.090.  
water distribution system, city may accept conveyance of and agree to maintain by: RCW 57.08.040.

Organization under general laws required: State Constitution Art. 11 § 10 (Amendment 40).

Outdoor recreation land acquisition or improvement under marine recreation land act: Chapter 79A.25 RCW.

## Parks and recreation

authority to acquire and operate: RCW 67.20.010.  
conditional sales contracts by cities and towns for purchase of **property** for parks authorized, vote required if exceeds indebtedness: RCW 39.30.010.  
districts: Chapter 36.69 RCW.  
eminent domain by cities for: RCW 8.12.030.  
state tidelands and shorelands: RCW 79.125.710, 79.125.720.

Peddlers' and hawkers' licenses: Chapter 36.71 RCW, RCW 73.04.050, 73.04.060.

## Planning commissions

airport zoning commission, appointment as: RCW 14.12.070(2).  
cemeteries, establishment or extension recommendations concerning: RCW 68.20.080.

Plats and boundaries: Title 58 RCW.

## Police

civil service, qualifications of applicants for positions: RCW 41.12.070.

enforcement of traffic laws or regulations: Chapter 46.64 RCW.  
 health regulations by state board of health, duty to enforce, penalty: RCW 43.20.050.  
 jury duty, exempt from: RCW 2.36.080.  
 limited highway access facilities, concurrent jurisdiction: RCW 47.52.200.  
 militia, exemption from service: RCW 38.44.030.  
 motor vehicle accident reports: RCW 46.52.070.  
 motor vehicle dealer's license application, police chief to certify: RCW 46.70.041.  
 pawnbroker reports to: RCW 19.60.040.  
 regulations to be enforced: State Constitution Art. 11 § 11.  
 retirement and pensions, first class cities: Chapter 41.20 RCW.  
 retirement and pensions, statewide city employees' retirement system: Chapter 41.44 RCW.  
 second-hand dealers reports to: RCW 19.60.040.  
 unclaimed **property**: Chapter 63.32 RCW.  
 vehicle wreckers' records, inspection by: RCW 46.80.080, 46.80.150.

#### Pollution control

eminent domain by cities for: RCW 8.12.030.  
 municipal bonding authority: Chapter 70.95A RCW.

Population determination, generally: Chapter 43.62 RCW.

Port district must submit park or recreational plans to municipal park agency: RCW 53.08.270.

Port district regulations, adoption as city ordinance: RCW 53.08.220.

Powers of county commissioners to alter boundaries inapplicable where boundary review board created: RCW 36.93.220.

Prepayment of taxes and assessments: RCW 35.21.650.

Printing: RCW 43.78.130 through 43.78.160.

Prisons (see Jails).

#### **Property**

forest lands, conveying to state for forestry purposes: RCW 79.10.040.  
 intergovernmental disposition of: RCW 39.33.010.  
 sale, exchange, or lease to state or political subdivision authorized: RCW 39.33.010.  
 state highway purposes, acquisition for: RCW 47.12.040.

Public buildings, provision to be made for use by aged and individuals with disabilities: Chapter 70.92 RCW.

Public contracts and indebtedness, generally: Title 39 RCW.

#### Public employment

civil service and retirement rights preserved when elective office assumed: RCW 41.04.120.  
 subversive person ineligible: RCW 9.81.040.  
 wage deduction for charitable contributions: RCW 41.04.035, 41.04.036.

Public funds, private use prohibited: State Constitution Art. 11 § 14.

Public health pooling fund: Chapter 70.12 RCW.

Public lands, assessment against: Chapter 79.44 RCW.

Public markets, eminent domain by cities for: RCW 8.12.030.

Public utility districts

restrictions on use of power facilities: RCW 54.04.040.

tax on revenue: RCW 54.28.070.

Public works, liens for labor and materials performed: Chapter 60.28 RCW.

Purchases

authority to acquire and operate certain recreational facilities and camps: Chapter 67.20 RCW.

conditional sales contracts for purchase of real or personal **property**: RCW 39.30.010.

preferential, exceptions: RCW 19.06.020, 43.78.130 through 43.78.160 .

Railroad

crossings, signals and devices, allocations of funds to defray costs of: RCW 81.53.271 through 81.53.275, 81.53.281.

industrial crossing, inspection, not applicable within limits of first class cities: RCW 81.54.040.

Railways, street: Chapter 81.64 RCW.

Recall of elective officers: State Constitution Art. 1 §§ 33, 34 (Amendment 8), chapter 29A.56 RCW.

Reclamation districts: Chapter 89.30 RCW.

Records

destruction of, procedure for: RCW 40.14.070.

historical records, transfer to depository agency, procedure for: RCW 40.14.070.

Redistricting by local governments and municipal corporations -- Census information for -- Plan, prepared when, criteria for, hearing on, request for review of, certification, remand -- Sanctions when review request frivolous: RCW 29A.76.010.

Referendum, electric utility transmission line construction and maintenance franchise: RCW 80.32.040.

Reincorporation, under general laws permitted to cities under special charter: State Constitution Art. 11 § 10 (Amendment 40).

River and harbor improvement districts, planning: RCW 88.32.240.

Sanitary regulations may be enforced: State Constitution Art. 11 § 11.

Sanitation, secretary of health, assistance: RCW 70.54.040.

School districts, educational service districts, agreements with other governmental entities for

transportation of students or the public, or for other noncommon school purposes -- Limitations: RCW 28A.160.120.

Second class cities

elections, nonpartisan primaries: Chapter 29A.52 RCW.

eminent domain by cities, construction of chapter as to second class cities: RCW 8.12.560.

Senior citizens programs -- Authorization to establish and administer: RCW 36.39.060.

Service of summons on, personal service: RCW 4.28.080(2).

Sewer and water revenue bonds, mutual savings banks, investment in: RCW 32.20.070, 32.20.100.

Sewerage improvement districts: Title 85 RCW.

Sewerage systems

eminent domain by cities for: RCW 8.12.030.

plans, submission to department of ecology: RCW 90.48.110.

public nuisances concerning: RCW 7.48.140(2).

Sexually transmitted disease, treatment and control: Chapter 70.24 RCW.

Shorelands

generally: Title 79 RCW, chapter 90.58 RCW.

parks or playgrounds, application, grantor exchange: RCW 79.125.710, 79.125.720.

Soil and water conservation districts: Chapter 89.08 RCW.

Solid waste collection company provisions do not apply to: RCW 81.77.020.

Statewide city employees' retirement: Chapter 41.44 RCW.

Streets and alleys

abandoned state highways as: RCW 36.75.090.

abandonment, waters backed over: RCW 90.28.020.

aid in construction or maintenance of by state or county, procedure: RCW 47.24.050.

as extension of county road, shared maintenance: RCW 36.75.205.

as state highways, jurisdiction, maintenance and control: RCW 47.24.020.

closure or restrictions on traffic authorized: Chapter 47.48 RCW.

collection and removal of glass containers: RCW 47.40.090.

construction and maintenance aid by state or county, procedure: RCW 47.24.050.

county bridges across: RCW 36.75.200.

county may aid in construction and maintenance of: RCW 47.24.050.

dedication of county land for: RCW 36.34.290, 36.34.300.

dedication upon replat: RCW 79.125.090.

defined, motor vehicle law: RCW 46.04.120.

defined, state highway law: RCW 47.04.010(6).

eminent domain, for: RCW 8.12.030.

franchise rights on limited access facility and when joint governmental facility: RCW 47.52.090.

lighting systems, water-sewer district powers in regard to: RCW 57.08.060.

limited access facilities, generally: Chapter 47.52 RCW.  
 obstructing is nuisance: RCW 7.48.120.  
 obstructing or interfering with, public nuisance, penalty: RCW 9.66.010.  
 state highways as, franchises across bridges jointly owned and operated: RCW 47.44.040.  
 state highways as, generally: Chapter 47.24 RCW.  
 state land, easement or right of way over for city streets: RCW 79.36.440.  
 street materials, sale of material to cities and towns from public lands, disposition of proceeds: RCW 79.15.320.  
 telecommunications companies' use of rights of way: RCW 80.36.040.  
 tidelands and shorelands platting, dedication to public use: RCW 79.120.010.  
 traffic control devices for, generally: Chapters 46.61, 47.36 RCW.  
 vacation of by replat: RCW 79.125.420, 79.125.110.

Taverns, music permit: RCW 66.28.080.

Tax lien, acquisition by governmental unit of **property** subject to: RCW 84.60.050, 84.60.070.

Tax liens, priority of: RCW 84.60.010.

#### Taxation

collection by county treasurer: Chapter 36.29 RCW.  
 electricity, sale of by public utility districts: RCW 54.28.070.  
 excess levies authorized, when, procedure: RCW 84.52.052.  
 firemen's pension fund, **property** tax for: RCW 41.16.060.  
 insurance companies, state preemption: RCW 48.14.020(4).  
 motor vehicle fuel excise tax, preemption by state: RCW 82.36.440.  
 power of: State Constitution Art. 11 § 12.  
 preemption, excise taxes: RCW 82.02.020.  
 preemption, motor vehicle fuel tax: RCW 82.36.440.

#### **property** tax

authorized to assess and collect general: State Constitution Art. 7 § 9.  
 limitation on levies: State Constitution Art. 7 § 2 (Amendments 55, 59), RCW 84.52.050.  
 local taxes not to be imposed by legislature: State Constitution Art. 11 § 12.  
 power to assess and collect rests in city: State Constitution Art. 11 § 12.  
 uniformity in respect to persons and **property** required: State Constitution Art. 7 § 9.  
 public utility district's gross revenue: RCW 54.28.070.  
 refunding bonds, tax levy to meet payments and interest: RCW 39.52.035.  
 sales and use taxes: Chapter 82.14 RCW.

Taxing district relief act: Chapter 39.64 RCW.

Teletypewriter communications network, connection with, participation in: RCW 43.89.030.

#### Tidelands

eminent domain, drainage: RCW 8.12.030.  
 extension of streets over: State Constitution Art. 15 § 3.  
 ownership of: State Constitution Art. 17 §§ 1, 2.  
 rentals, receipt by: RCW 79.115.150.  
 sale of, authority to sell to cities and towns: RCW 79.125.700.



Toll facilities, contributions by cities and towns for authorized, financing, reimbursement: RCW 47.56.250.

#### Towns

actions against: RCW 4.08.120.

actions by in corporate name: RCW 4.08.110.

charter, amendment of by special act, prohibited: State Constitution Art. 2 § 28(8).

corporate stock or bonds not to be owned by: State Constitution Art. 8 § 7.

credit not to be loaned, exception: State Constitution Art. 8 § 7.

indebtedness: State Constitution Art. 8 § 6 (Amendment 27).

limitation upon actions by: RCW 4.16.160.

moneys, deposited with treasurer: State Constitution Art. 11 § 15.

moneys, use of, by official, a felony: State Constitution Art. 11 § 14.

officers, salaries of, not to be changed during term: State Constitution Art. 11 § 8.

officers, vacancies, not to be extended: State Constitution Art. 11 § 8.

organization under general laws required: State Constitution Art. 11 § 10 (Amendment 40).

plats, regulation of surveys and plats: RCW 58.10.040.

plats, resurvey and correction of: RCW 58.10.030.

police department, control and direction of: State Constitution Art. 11 § 11.

sanitary regulations may be enforced: State Constitution Art. 11 § 11.

service of summons on, personal service: RCW 4.28.080(2).

taxation, power of: State Constitution Art. 11 § 12.

Trade centers -- Annual service fee -- Distribution to cities: RCW 53.29.030.

Traffic schools: Chapter 46.83 RCW.

Transportation centers authorized: Chapter 81.75 RCW.

#### Transportation systems

exempt from motor freight carrier law: RCW 81.80.040(4).

motor vehicle fuel tax refunds: RCW 82.36.275.

Trees, plants, shrubs or vegetation, duty to disinfect or destroy: RCW 15.08.230.

Trusts for employee benefits: Chapter 49.64 RCW.

Unclaimed **property** in hands of city police: Chapter 63.32 RCW.

Uniform state standard of traffic devices, copy of to be furnished to: RCW 47.36.030.

Urban arterials, planning, construction, funds, bond issue, etc.: Chapter 47.26 RCW.

Utility poles, attachment of objects to, penalty: RCW 70.54.090.

Vacancies in public office, causes, how filled: Chapter 42.12 RCW.

Vehicle wreckers' regulation by, to conform with chapter 46.80 RCW: RCW 46.80.160.

Venue of actions against public officers: RCW 4.12.020(2).

Veterans' organizations, providing of meeting places for: RCW 73.04.070.

Veterans preference in public employment, reemployment: Chapter 73.16 RCW.

#### Warrants

interest rate: RCW 39.56.020.

rate fixed by issuing officer: RCW 39.56.030.

Washington clean air act: Chapter 70.94 RCW.

Water distribution systems, conveyance by water districts: Chapter 57.08 RCW.

#### Water-sewer districts

boundaries identical with, dissolution procedure: RCW 57.04.110.

inclusion within boundaries: RCW 57.04.020.

labor and materials: RCW 57.08.050.

#### Water pollution

depositing unwholesome matter in waters, public nuisance, penalty: RCW 9.66.050.

public utility districts, powers in regard to: RCW 54.16.050.

shellfish sanitation control, pollution laws and rules and regulations applied to: RCW 69.30.130.

water supply, eminent domain by cities to prevent: RCW 8.12.030.

water supply, generally: RCW 70.54.010.

watersheds in adjoining state: RCW 70.54.030.

Water recreation facilities: Chapter 70.90 RCW.

Water revenue bonds, mutual savings banks, investment in: RCW 32.20.070, 32.20.100.

Water systems, bonds, refunding: Chapter 39.52 RCW.

#### Watercourses and waterways

city streets, improvement of slopes: RCW 79.120.030.

vacation of, grounds for, procedure: RCW 79.120.060.

#### Watersheds

eminent domain for: RCW 8.12.030, 8.28.050.

state land, **condemnation** or purchase by city or town permitted: RCW 79.10.070.

Weeds, duty to destroy, extermination areas: RCW 17.04.160.

Weights and measures, city sealer: RCW 19.94.280.

#### Wharves and landings

as part of state highway system: Chapter 47.24 RCW.

authorization of private construction: RCW 88.24.030.

---

#### RCW 35.21.020

**Auditoriums, art museums, swimming pools, etc. -- Power to acquire.**

Any city or town in this state acting through its council or other legislative body, and any separately organized park district acting through its board of park commissioners or other governing officers, shall have power to acquire by donation, purchase or **condemnation**, and to construct and maintain public auditoriums, art museums, swimming pools, and athletic and recreational fields, including golf courses, buildings and facilities within or without its parks, and to use or let the same for such public and private purposes for such compensation and rental and upon such conditions as its council or other legislative body or board of park commissioners shall from time to time prescribe.

[1965 c 7 § 35.21.020. Prior: 1947 c 28 § 1; 1937 c 98 § 1; Rem. Supp. 1947 § 8981-4.]

#### NOTES:

Acquisition of **property** for parks, recreational, viewpoint, greenbelt, conservation, historic, scenic or view purposes: RCW 36.34.340.

---

#### RCW 35.21.418

##### **Hydroelectric reservoir extending across international boundary -- Commission -- Powers.**

A commission, established by an agreement between a Washington municipality and the Province of British Columbia to carry out a treaty between the United States of America and Canada as authorized in RCW 35.21.417, shall be public and shall have all powers and capacity necessary and appropriate for the purposes of performing its functions under the agreement, including, but not limited to, the following powers and capacity: To acquire and dispose of real **property** other than by **condemnation**; to enter into contracts; to sue and be sued in either Canada or the United States; to establish an endowment fund in either or both the United States and Canada and to invest the endowment fund in either or both countries; to solicit, accept, and use donations, grants, bequests, or devises intended for furthering the functions of the endowment; to adopt such rules or procedures as it deems desirable for performing its functions; to engage advisors and consultants; to establish committees and subcommittees; to adopt rules for its governance; to enter into agreements with public and private entities; and to engage in activities necessary and appropriate for implementing the agreement and the treaty.

The endowment fund and commission may not be subject to state or local taxation. A commission, so established, may not be subject to statutes and laws governing Washington cities and municipalities in the conduct of its internal affairs: PROVIDED, That all commission members appointed by the municipality shall comply with chapter 42.52 RCW, and: PROVIDED FURTHER, That all commission meetings held within the state of Washington shall be held in compliance with chapter 42.30 RCW. All obligations or liabilities incurred by the commission shall be satisfied exclusively from its own assets and insurance.

[1994 c 154 § 309; 1984 c 1 § 2.]

#### NOTES:

**Parts and captions not law -- Effective date -- Severability -- 1994 c 154:** See RCW 42.52.902, 42.52.904, and 42.52.905.

---

#### RCW 35.23.440

##### **Specific powers enumerated.**

The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tippling houses, dram shops, saloons, bars, and barrooms.

(5) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(6) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and **property**.

(7) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(8) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(9) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.

(10) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(11) Stock pound: To establish, maintain, and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(12) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(13) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.

(14) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.

(15) Markets: To establish and regulate markets and market places.

(16) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.

(17) City commons: To provide for and regulate the commons of the city.

(18) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(19) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(20) **Property**: To have, purchase, hold, use, and enjoy **property** of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.

(21) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.

(22) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(23) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the **property** benefited.

(24) House numbers: To provide for the numbering of houses.

(25) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

(26) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as

not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(27) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(28) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(29) Penalty for violation of ordinances: To provide that violations of ordinances with the punishment for any offense not exceeding a fine of five thousand dollars or imprisonment for more than one year, or both fine and imprisonment, but the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Alternatively, such a city may provide that a violation of an ordinance constitutes a civil violation subject to monetary penalties or to determine and impose fines for forfeitures and penalties, but no act which is a state crime may be made a civil violation. A violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

(30) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.

(31) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, **property**, or business of the city.

(32) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.

(33) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the **property** to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the **property** holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.

(34) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the **property** specially benefited.

(35) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the **property** benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and **property**, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(36) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.

(37) Franchises: To permit the use of the streets for railroad or other public service purposes.

(38) Payment of judgments: To order paid any final judgment against such city, but none of its lands or **property** of any kind or nature, taxes, revenue, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.

(39) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.

(40) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(41) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(42) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: PROVIDED, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(43) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(44) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(45) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to **condemn** lands and **property** for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to acquire by purchase or otherwise such lands and **property** as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(46) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal **property** for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(47) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the **property** benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate **property**, and to provide for the manner of making and collecting assessments therefor.

(48) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(49) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or **property** may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(50) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private **property** within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the **property** specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(51) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(52) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(53) To provide for the general welfare.

[1994 c 81 § 19; 1993 c 83 § 5; 1986 c 278 § 4. Prior: 1984 c 258 § 803; 1984 c 189 § 5; 1979 ex.s. c 136 § 28; 1977 ex.s. c 316 § 21; 1965 ex.s. c 116 § 7; 1965 c 7 § 35.23.440; prior: 1907 c 241 § 29; 1890 p 148 § 38; RRS § 9034.]

#### NOTES:

**Effective date -- 1994 c 81 § 19:** "Section 19 of this act shall take effect July 1, 1994." [1994 c 81 § 91.]

**Effective date -- 1993 c 83:** See note following RCW 35.21.163.

**Severability -- 1986 c 278:** See note following RCW 36.01.010.

**Court Improvement Act of 1984 -- Effective dates -- Severability -- Short title -- 1984 c 258:** See notes following RCW 3.30.010.

**Effective date -- Severability -- 1979 ex.s. c 136:** See notes following RCW 46.63.010.

**Severability -- 1977 ex.s. c 316:** See note following RCW 70.48.020.

---

#### RCW 35.30.020

##### Sewer systems -- Sewer fund.

The city council of all unclassified cities in this state are authorized to construct a sewer or system of sewers and to keep the same in repair; the cost of such sewer or sewers shall be paid from a special fund to be known as the "sewer fund" to be provided by the city council, which fund shall be created by a tax



on all the **property** within the limits of such city: PROVIDED, That such tax shall not exceed one dollar and twenty-five cents per thousand dollars of the assessed value of all real and personal **property** within such city for any one year. Whenever it shall become necessary for the city to take or damage private **property** for the purpose of making or repairing sewers, and the city council cannot agree with the owner as to the price to be paid, the city council may direct proceedings to be taken by law for the **condemnation** of such **property** for such purpose.

[1973 1st ex.s. c 195 § 18; 1965 c 7 § 35.30.020. Prior: 1899 c 69 § 2; RRS § 8945.]

#### NOTES:

**Severability -- Effective dates -- Construction -- 1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

---

#### RCW 35.41.010

##### **Special funds -- Authorized -- Composition.**

For the purpose of providing funds for defraying all or a portion of the costs of planning, purchase, leasing, **condemnation**, or other acquisition, construction, reconstruction, development, improvement, extension, repair, maintenance, or operation of any municipally owned public land, building, facility, or utility, for which the municipality now has or hereafter is granted authority to acquire, **condemn**, develop, repair, maintain, or operate, the legislative body of any city or town may authorize, by ordinance, the creation of a special fund or funds into which the city or town shall be obligated to set aside and pay: Any or all municipal license fees specified in such ordinance creating such special fund, and/or any and all revenues derived from any utility or facility specified in said ordinance creating such special fund. The ordinance may provide that the city or town shall be obligated to set aside and pay into a special fund or funds so created:

- (1) A fixed proportion of any revenues or fees, or
- (2) A fixed amount of, and not to exceed, a fixed proportion of any revenues or fees, or
- (3) A fixed amount without regard to any fixed proportion of any revenues or fees, or
- (4) An amount of such revenues sufficient, together with any other moneys lawfully pledged to be paid into such fund or funds, to meet principal and interest requirements and to accumulate any reserves and additional funds that may be required.

The legislative body may also authorize the creation of a special fund or funds to defray all or part of the costs of planning, purchase, **condemnation**, or other acquisition, construction, improvement, maintenance or operation of any public park in, upon or above **property** used or to be used as municipally owned off-street parking space and facilities, whether or not revenues are received or fees charged in the course of public use of such park. Part or all of the otherwise unpledged revenues, fees or charges arising from municipal ownership, operation, lease or license of any off-street parking space and facilities, or arising from municipal license of any off-street parking space, shall be set aside and paid into such special fund or funds in accordance with this section.

[1971 ex.s. c 223 § 1; 1967 ex.s. c 144 § 12; 1965 c 7 § 35.41.010. Prior: 1957 c 117 § 1.]

#### NOTES:

**Severability -- 1967 ex.s. c 144:** See note following RCW 36.900.030.

Bids for operation of parking space or facilities in or beneath public parks: RCW 35.86.010.

"Facilities" defined: RCW 35.86.010.

General obligation bonds, use in financing off-street parking space and facilities: RCW 35.86.020.

#### **RCW 35.43.042**

##### **Authority to establish utility local improvement districts -- Procedure.**

Whenever the legislative authority of any city or town has provided pursuant to law for the acquisition, construction, reconstruction, purchase, **condemnation** and purchase, addition to, repair, or renewal of the whole or any portion of a:

(1) System for providing the city or town and the inhabitants thereof with water, which system includes as a whole or as a part thereof water mains, hydrants or appurtenances which are authorized subjects for local improvements under RCW 35.43.040(13) or other law; or a

(2) System for providing the city or town with sewerage and storm or surface water disposal, which system includes as a whole or as a part thereof drains, sewers or sewer appurtenances which are authorized subjects for local improvements under RCW 35.43.040(7) or other law; or

(3) Off-street parking facilities; and

Has further provided in accordance with any applicable provisions of the Constitution or statutory authority for the issuance and sale of revenue bonds to pay the cost of all or a portion of any such system, such legislative authority shall have the authority to establish utility local improvement districts, and to levy special assessments on all **property** specially benefited by any such local improvement to pay in whole or in part the damages or costs of any local improvements so provided for.

The initiation and formation of such utility local improvement districts and the levying, collection and enforcement of assessments shall be in the manner and subject to the same procedures and limitations as are now or hereafter provided by law for the initiation and formation of local improvement districts in cities and towns and the levying, collection and enforcement of assessments pursuant thereto.

It must be specified in any petition or resolution initiating the formation of such a utility local improvement district in a city or town and in the ordinance ordered pursuant thereto, that the assessments shall be for the sole purpose of payment into such revenue bond fund as may be specified by the legislative authority for the payment of revenue bonds issued to defray the cost of such system or facilities or any portion thereof as provided for in this section.

Assessments in any such utility local improvement district may be made on the basis of special benefits up to but not in excess of the total cost of the local improvements portion of any system or facilities payable by issuance of revenue bonds. No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all assessments in such utility local improvement district, when collected, shall be paid into any such revenue bond fund.

When in the petition or resolution for establishment of a local improvement district and in the ordinance ordered pursuant thereto, it is specified or provided that the assessments shall be for the sole purpose of payment into a revenue bond fund for the payment of revenue bonds, then the local

improvement district shall be designated a "utility local improvement district".

The provisions of chapters 35.45, 35.47 and 35.48 RCW shall have no application to utility local improvement districts created under authority of this section.

[1969 ex.s. c 258 § 2; 1967 c 52 § 1.]

#### NOTES:

**Construction -- 1967 c 52:** "The authority granted by this 1967 amendatory act shall be considered an alternative and additional method of securing payment of revenue bonds issued for the purposes specified in RCW 35.43.042 and shall not be construed as a restriction or limitation upon any other method for providing for the payment of any such revenue bonds." [1967 c 52 § 27.]

**Severability -- 1967 c 52:** "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1967 c 52 § 29.]

---

#### RCW 35.48.010

##### **Special revolving fund for delinquent nonguaranteed bonds and warrants -- Composition.**

If any city or town has issued bonds or warrants payable from a local improvement or **condemnation** award fund, to which the local improvement guaranty fund law is not applicable, and if the assessment, or last installment thereof, against which the bonds or warrants were issued has been delinquent not more than thirty-two years, the city or town may create a special revolving fund and may provide moneys therefor by general tax levy, if the levy, together with other levies made or authorized by such city or town, will not exceed the levy which is legally allowed; or such city or town may place in said fund or advance or loan to said fund any money which it is not prohibited by law from advancing, loaning to or placing in said fund.

[1965 c 7 § 35.48.010. Prior: 1961 c 46 § 1; 1943 c 244 § 2; Rem. Supp. 1943 § 9351-11.]

#### NOTES:

**Purpose -- 1943 c 244:** "WHEREAS, there are many millions of dollars of delinquent and unpaid local improvement district and **condemnation** award bonds and warrants issued by various cities of the state and not protected by the Local Improvement Guaranty Fund, only a small part of which for the present at least can be paid and many of which will never be paid because of inability of **property** owners to pay the special assessments levied to provide funds for payment thereof and the depreciated value of the real estate which is the only security provided by present law from which payment of the assessments may be enforced; and, WHEREAS, the cities are not legally liable under existing law for payment of such bonds and warrants except as there are moneys available in the special fund from which the same are payable; and, WHEREAS, such cities and its citizens as a whole have derived benefit from the improvements installed with the proceeds or as a result of the issuance of such bonds and warrants; and, WHEREAS, the nonpayment of such unpaid and delinquent bonds and warrants not only causes great hardship and suffering on those who have invested money in such bonds and warrants, but also reflects discredit on the financial structure of the various cities involved, to the detriment of the cities as a whole and also the entire state; NOW, THEREFORE, this law is enacted to enable cities to provide some relief from the hardship imposed by such conditions." [1943 c 244 § 1.]

**RCW 35.48.030****Subrogation -- Refund of surplus.**

The purchase of any such bonds or warrants shall not relieve the local improvement or **condemnation** award fund from which the same are payable from liability for payment of the same, but the city or town upon purchase thereof shall become subrogated to all the rights of the former owners thereof and may proceed to enforcement of said bonds or warrants as any owner thereof might do. The city or town may sell any **property** acquired by it in such proceedings upon such terms and for such prices as it sees fit, or it may resell any of the bonds or warrants for such prices as it shall fix.

Any excess in any local improvement district fund or **condemnation** award fund which will average a payment of one dollar to each payer into said fund shall, after payment, retirement, or cancellation of all bonds or warrants payable from said fund, be refunded and paid to the payers into the fund in the proportion that their respective assessments bear to the entire original assessment levied for such improvement, and any unpaid assessments, or portion thereof, shall be reduced in the same proportion. Any proceeds derived from the sale of any bonds or warrants, or from the sale of real estate, shall be placed in the revolving fund.

[1965 c 7 § 35.48.030. Prior: 1943 c 244 § 4; Rem. Supp. 1943 § 9351-13.]

**RCW 35.55.060****Assessment roll -- Items -- Assessment units -- Installments.**

When such plans and specifications have been prepared and the estimates of the cost and expense of making the improvement have been adopted by the council and when an estimate has been made of the compensation to be paid for **property** damaged or taken, either before or after the compensation has been ascertained in the eminent domain proceedings, the city council shall cause an assessment roll to be prepared containing a list of all of the **property** within the improvement district which it is proposed to assess for the improvement, together with the names of the owners, if known, and if unknown the **property** shall be assessed to an unknown owner, and opposite each description shall be set the amount assessed to such description.

When so ordered by the council, the entire amount of compensation paid or to be paid for **property** damaged or taken, including all of the costs and expenses incidental to the **condemnation** proceedings together with the entire cost and expense of making the improvement, may be assessed against the **property** within the district subject to assessment, but the council may order any portion of the costs paid out of the current or general expense fund of the city.

The assessments shall be made according to and in proportion to surface area one square foot of surface to be the unit of assessment, except that the several parcels of land in any enlarged district not actually filled shall be assessed in accordance with special benefits: PROVIDED, That where any parcel of land was partially filled by the owner prior to the initiation of the improvement, an equitable deduction for such partial filling may be allowed.

The cost and expense incidental to the filling of the streets, alleys and public places within such assessment district shall be borne by the private **property** within such district subject to assessment when so ordered by the council. When the assessments are payable in installments, the assessment roll when equalized, shall show the number of installments and the amounts thereof. The assessments may be made payable in any number of equal annual installments not exceeding ten in number.

[1965 c 7 § 35.55.060. Prior: 1917 c 63 § 2; 1909 c 147 § 5; RRS § 9436.]

### **RCW 35.56.070**

#### **Assessment roll -- Items -- Assessment units -- Installments.**

When such plans and specifications shall have been prepared and the estimate of the cost and expense of making the improvement has been adopted by the council or commission and when an estimate has been made of the compensation to be paid for **property** damaged or taken, either before or after the compensation has been ascertained in the eminent domain proceedings, the city council or commission shall cause an assessment roll to be prepared containing a list of all the **property** within the improvement district which it is proposed to assess for the improvements together with the names of the owners, if known, and if unknown, the **property** shall be assessed to an unknown owner, and opposite each description shall be set the amount assessed to such description.

When so ordered by the city council or commission, the entire amount of compensation paid or to be paid for **property** damaged or taken, including all of the costs and expenses incidental to the **condemnation** proceedings together with the entire cost and expense of making the improvement may be assessed against the **property** within the district subject to assessment, but the city council or commission may order any portion of the costs paid out of the current or general expense fund of the city. The assessments shall be made according to and in proportion to surface area, one square foot of surface to be the unit of assessment: PROVIDED, That where any parcel of land was wholly or partially filled by the owner prior to the initiation of the improvement an equitable deduction for such filling or partial filling may be allowed.

The cost and expense incidental to the filling of the streets, alleys and public places within said assessment district shall be borne by the private **property** within such district subject to assessment when so ordered by the city council or commission. When the assessments are payable in installments, the assessment roll when equalized shall show the number of installments and the amounts thereof. The assessment may be made payable in any number of equal annual installments not exceeding fifteen in number.

[1965 c 7 § 35.56.070. Prior: 1913 c 16 § 5; RRS § 9453.]

### **RCW 35.56.190**

#### **Tax levy -- General -- Purposes -- Limit.**

For the purpose of raising revenues to carry on any project under this chapter including funds for the payment for the lands taken, purchased, acquired or **condemned** and the expenses incident to the acquiring thereof, or any other cost or expenses incurred by the city under the provisions of this chapter but not including the cost of actually filling the lands for which the local improvement district was created, a city may levy an annual tax of not exceeding seventy-five cents per thousand dollars of assessed valuation of all **property** within the city. The city council or commission may create a fund into which all moneys so derived from taxation and moneys derived from rents and issues of the lands shall be paid and against which special fund warrants may be drawn or negotiable bonds issued to meet expenditures under this chapter.

[1973 1st ex.s. c 195 § 22; 1965 c 7 § 35.56.190. Prior: 1913 c 16 § 19; RRS § 9467.]

#### **NOTES:**

**Severability -- Effective dates -- Construction -- 1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

---

## **RCW 35.56.240**

### **Waterways constructed -- Acquisition of abutting property.**

While acquiring the rights of way for such canals or waterways or at any time thereafter such city may acquire for its own use and public use by purchase, gift, **condemnation** or otherwise, and pay therefor by any lawful means including but not restricted to payment out of the current expense fund of such city or by bonding the city or by pledging revenues to be derived from rents and issues therefrom, lands abutting upon the shore lines or right-of-way of such canals or waterways to a distance, depth or width of not more than three hundred feet back from the banks or shore lines of such canals or waterways on either side or both sides thereof, or not more than three hundred lineal feet back from and abutting on the outer lines of such rights-of-way on either side or both sides of such rights-of-way, and such area of such abutting lands as the council or commission may deem necessary for its use for public docks, bridges, wharves, streets and other conveniences of navigation and commerce and for its own use and benefit generally.

[1965 c 7 § 35.56.240. Prior: 1913 c 16 § 18, part; RRS § 9466, part.]

---

## **RCW 35.58.200**

### **Powers relative to water pollution abatement.**

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water pollution abatement, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive water pollution abatement plan including provisions for waterborne pollutant removal, water quality improvement, sewage disposal, and storm water drainage for the metropolitan area.

(2) To acquire by purchase, **condemnation**, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for water pollution abatement, including but not limited to, removal of waterborne pollutants, water quality improvement, sewage disposal and storm water drainage within or without the metropolitan area, including but not limited to trunk, interceptor and outfall sewers, whether used to carry sanitary waste, storm water, or combined storm and sanitary sewage, lift and pumping stations, pipelines, drains, sewage treatment plants, flow control structures together with all lands, **property** rights, equipment and accessories necessary for such facilities. Sewer facilities which are owned by a county, city, or special district may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the county, city, or special districts owning such facilities. Counties, cities, and special districts are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such county, city, or special district and the metropolitan council, without submitting the matter to the voters of such county, city, or district.

(3) To require counties, cities, special districts and other political subdivisions to discharge sewage collected by such entities from any portion of the metropolitan area which can drain by gravity flow into

such metropolitan facilities as may be provided to serve such areas when the metropolitan council shall declare by resolution that the health, safety, or welfare of the people within the metropolitan area requires such action.

(4) To fix rates and charges for the use of metropolitan water pollution abatement facilities, and to expend the moneys so collected for authorized water pollution abatement activities.

(5) To establish minimum standards for the construction of local water pollution abatement facilities and to approve plans for construction of such facilities by component counties or cities or by special districts, which are connected to the facilities of the metropolitan municipal corporation. No such county, city, or special district shall construct such facilities without first securing such approval.

(6) To acquire by purchase, **condemnation**, gift, or grant, to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local collection of sewage or storm water in portions of the metropolitan area not contained within any city or special district operating local public sewer facilities and, with the consent of the legislative body of any such city or special district, to exercise such powers within such city or special district and for such purpose to have all the powers conferred by law upon such city or special district with respect to such local collection facilities: PROVIDED, That such consent shall not be required if the department of ecology certifies that a water pollution problem exists within any such city or special district and notifies the city or special district to correct such problem and corrective construction of necessary local collection facilities shall not have been commenced within one year after notification. All costs of such local collection facilities shall be paid for by the area served thereby.

(7) To participate fully in federal and state programs under the federal water pollution control act (86 Stat. 816 et seq., 33 U.S.C. 1251 et seq.) and to take all actions necessary to secure to itself or its component agencies the benefits of that act and to meet the requirements of that act, including but not limited to the following:

(a) authority to develop and implement such plans as may be appropriate or necessary under the act.

(b) authority to require by appropriate regulations that its component agencies comply with all effluent treatment and limitation requirements, standards of performance requirements, pretreatment requirements, a user charge and industrial cost recovery system conforming to federal regulation, and all conditions of national permit discharge elimination system permits issued to the metropolitan municipal corporation or its component agencies. Adoption of such regulations and compliance therewith shall not constitute a breach of any sewage disposal contract between a metropolitan municipal corporation and its component agencies nor a defense to an action for the performance of all terms and conditions of such contracts not inconsistent with such regulations and such contracts, as modified by such regulations, shall be in all respects valid and enforceable.

[1975 c 36 § 1; 1974 ex.s. c 70 § 6; 1971 ex.s. c 303 § 7; 1965 c 7 § 35.58.200. Prior: 1957 c 213 § 20.]

---

## **RCW 35.58.220**

### **Powers relative to water supply.**

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water supply, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive plan for the development of sources of water supply, trunk supply mains and water treatment and storage facilities for the metropolitan area.

(2) To acquire by purchase, **condemnation**, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for water supply within or without the metropolitan area, including buildings, structures, water sheds, wells, springs, dams, settling basins, intakes, treatment plants, trunk supply mains and pumping stations, together with all lands, **property**, equipment and accessories necessary to enable the metropolitan municipal corporation to obtain and develop sources of water supply, treat and store water and deliver water through trunk supply mains. Water supply facilities which are owned by a city or special district may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the city or special district owning such facilities. Cities and special districts are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or special district and the metropolitan council, without submitting the matter to the voters of such city or special district.

(3) To fix rates and charges for water supplied by the metropolitan municipal corporation.

(4) To acquire by purchase, **condemnation**, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local distribution of water in portions of the metropolitan area not contained within any city, or water-sewer district that operates a water system, and, with the consent of the legislative body of any city or the water-sewer district, to exercise such powers within such city or water-sewer district and for such purpose to have all the powers conferred by law upon such city or water-sewer district with respect to such local distribution facilities. All costs of such local distribution facilities shall be paid for by the area served thereby.

[1999 c 153 § 34; 1965 c 7 § 35.58.220. Prior: 1957 c 213 § 22.]

## NOTES:

**Part headings not law -- 1999 c 153:** See note following RCW 57.04.050.

---

### RCW 35.58.240

#### **Powers relative to transportation.**

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare, adopt, and carry out a general comprehensive plan for public transportation service which will best serve the residents of the metropolitan area and to amend said plan from time to time to meet changed conditions and requirements.

(2) To acquire by purchase, **condemnation**, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate, and regulate the use of metropolitan transportation facilities and properties within or without the metropolitan area, including systems of surface, underground, or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including escalators, moving sidewalks, or other people-moving systems, passenger terminal and parking facilities and properties, and such other facilities and properties as may be necessary for passenger and vehicular access to and from such people-moving systems, terminal and parking facilities



and properties, together with all lands, rights of way, **property**, equipment, and accessories necessary for such systems and facilities. Public transportation facilities and properties which are owned by any city may be acquired or used by the metropolitan municipal corporation only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to metropolitan corporations or to contract for their joint use on such terms as may be fixed by agreement between the city council of such city and the metropolitan council, without submitting the matter to the voters of such city.

The facilities and properties of a metropolitan public transportation system whose vehicles will operate primarily within the rights of way of public streets, roads, or highways, may be acquired, developed and operated without the corridor and design hearings which are required by \*RCW 35.58.273 for mass transit facilities operating on a separate right of way.

(3) To fix rates, tolls, fares, and charges for the use of such facilities and to establish various routes and classes of service. Fares or charges may be adjusted or eliminated for any distinguishable class of users including, but not limited to, senior citizens, handicapped persons, and students. Classes of service and fares will be maintained in the several parts of the metropolitan area at such levels as will provide, insofar as reasonably practicable, that the portion of any annual transit operating deficit of the metropolitan municipal corporation attributable to the operation of all routes, taken as a whole, which are located within the central city is approximately in proportion to the portion of total taxes collected by or on behalf of the metropolitan municipal corporation for transit purposes within the central city, and that the portion of such annual transit operating deficit attributable to the operation of all routes, taken as a whole, which are located outside the central city, is approximately in proportion to the portion of such taxes collected outside the central city.

In the event any metropolitan municipal corporation shall extend its metropolitan transportation function to any area or service already offered by any company holding a certificate of public convenience and necessity from the Washington utilities and transportation commission under RCW 81.68.040, it shall by purchase or **condemnation** acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation.

[1981 c 25 § 1; 1971 ex.s. c 303 § 8; 1967 c 105 § 11; 1965 c 7 § 35.58.240 . Prior: 1957 c 213 § 24.]

#### NOTES:

\***Reviser's note:** RCW 35.58.273 was repealed by 2002 c 6 § 2.

---

#### RCW 35.58.280

##### **Powers relative to garbage disposal.**

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan garbage disposal, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive garbage disposal plan for the metropolitan area.

(2) To acquire by purchase, **condemnation**, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for garbage disposal within or without the metropolitan area, including garbage disposal sites, central collection station sites,

structures, machinery and equipment for the operation of central collection stations and for the hauling and disposal of garbage by any means, together with all lands, **property**, equipment and accessories necessary for such facilities. Garbage disposal facilities which are owned by a city or county may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the city or county owning such facilities. Cities and counties are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or county and the metropolitan council, without submitting the matter to the voters of such city or county.

(3) To fix rates and charges for the use of metropolitan garbage disposal facilities.

(4) With the consent of any component city, to acquire by purchase, **condemnation**, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local collection of garbage within such city, and for such purpose to have all the powers conferred by law upon such city with respect to such local collection facilities. Nothing herein contained shall be deemed to authorize the local collection of garbage except in component cities. All costs of such local collection facilities shall be paid for by the area served thereby.

[1965 c 7 § 35.58.280. Prior: 1957 c 213 § 28.]

---

## **RCW 35.58.290**

### **Powers relative to parks and parkways.**

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan parks and parkways, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive plan of metropolitan parks and parkways.

(2) To acquire by purchase, **condemnation**, gift or grant, to lease, construct, add to, improve, develop, replace, repair, maintain, operate and regulate the use of metropolitan parks and parkways, together with all lands, rights of way, **property**, equipment and accessories necessary therefor. A park or parkway shall be considered to be a metropolitan facility if the metropolitan council shall by resolution find it to be of use and benefit to all or a major portion of the residents of the metropolitan area. Parks or parkways which are owned by a component city or county may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of such city or county. Cities and counties are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative bodies of such city or county and the metropolitan council, without submitting the matter to the voters of such city or county. If parks or parkways which have been acquired or used as metropolitan facilities shall no longer be used for park purposes by the metropolitan municipal corporation, such facilities shall revert to the component city or county which formerly owned them.

(3) To fix fees and charges for the use of metropolitan park and parkway facilities.

[1965 c 7 § 35.58.290. Prior: 1957 c 213 § 29.]

---

## **RCW 35.58.320**

### **Eminent domain.**

A metropolitan municipal corporation shall have power to acquire by purchase and **condemnation** all lands and **property** rights, both within and without the metropolitan area, which are necessary for its purposes. Such right of eminent domain shall be exercised by the metropolitan council in the same manner and by the same procedure as is or may be provided by law for cities, except insofar as such laws may be inconsistent with the provisions of this chapter.

[1993 c 240 § 8; 1965 c 7 § 35.58.320. Prior: 1957 c 213 § 32.]

#### NOTES:

Eminent domain by cities: Chapter 8.12 RCW.

#### **RCW 35.59.050**

##### **Powers of condemnation.**

The accomplishment of the objectives authorized by this chapter is declared to be a strictly public purpose of the municipality or municipalities authorized to perform the same. Any such municipality shall have the power to acquire by **condemnation** and purchase any lands and **property** rights within its boundaries which are necessary to carry out the purposes authorized by this chapter. Such right of eminent domain shall be exercised by the legislative body of each such municipality in the manner provided by applicable general law.

[1967 c 110 § 5.]

#### **RCW 35.61.130**

##### **Eminent domain -- Park commissioners' authority, generally -- Prospective staff screening.**

(1) A metropolitan park district has the right of eminent domain, and may purchase, acquire and **condemn** lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may **condemn** such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of park commissioners and conducted in the same manner and under the same procedure as is or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of **property** rights: PROVIDED, HOWEVER, Funds to pay for **condemnation** allowed by this section shall be raised only as specified in this chapter.

(2) The board of park commissioners shall have power to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park police, for a secretary of the board of park commissioners and for all necessary employees, to fix their salaries and duties.

(3) The board of park commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the park district, and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of

recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city and for the purchase of lands within or without the limits of said city, whenever it deems the purchase to be for the benefit of the public and for the interest of the park district, and for the maintenance and improvement thereof and for all expenses incidental to its duties: PROVIDED, That all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie.

(4) For all employees, volunteers, or independent contractors, who may, in the course of their work or volunteer activity with the park district, have unsupervised access to children or vulnerable adults, or be responsible for collecting or disbursing cash or processing credit/debit card transactions, park districts shall establish by resolution the requirements for a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation, including a fingerprint check using a complete Washington state criminal identification fingerprint card. The park district shall provide a copy of the record report to the employee, volunteer, or independent contractor. When necessary, as determined by the park district, prospective employees, volunteers, or independent contractors may be employed on a conditional basis pending completion of the investigation. If the prospective employee, volunteer, or independent contractor has had a record check within the previous twelve months, the park district may waive the requirement upon receiving a copy of the record. The park district may in its discretion require that the prospective employee, volunteer, or independent contractor pay the costs associated with the record check.

[2006 c 222 § 1; 1969 c 54 § 1; 1965 c 7 § 35.61.130. Prior: (i) 1943 c 264 § 4, part; Rem. Supp. 1943 § 6741-4, part; prior: 1919 c 135 § 1, part; 1907 c 98 § 4; RRS § 6723, part. (ii) 1943 c 264 § 14; Rem. Supp. 1943 § 6741-14; prior: 1919 c 135 § 2; 1907 c 98 § 14; RRS § 6733.]

## NOTES:

Outdoor recreation land acquisition or improvement under marine recreation land act: Chapter 79A.25 RCW.

### RCW 35.67.020

**Authority to construct system and fix rates and charges -- Classification of services and facilities -- Assistance for low-income persons.**

(1) Every city and town may construct, **condemn** and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits. Every city and town has full jurisdiction and authority to manage, regulate, and control them and, except as provided in subsection (3) of this section, to fix, alter, regulate, and control the rates and charges for their use.

(2) Subject to subsection (3) of this section, the rates charged under this section must be uniform for the same class of customers or service and facilities furnished. In classifying customers served or service and facilities furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors:

(a) The difference in cost of service and facilities to the various customers;

- (b) The location of the various customers within and without the city or town;
  - (c) The difference in cost of maintenance, operation, repair, and replacement of the various parts of the system;
  - (d) The different character of the service and facilities furnished various customers;
  - (e) The quantity and quality of the sewage delivered and the time of its delivery;
  - (f) The achievement of water conservation goals and the discouragement of wasteful water use practices;
  - (g) Capital contributions made to the system, including but not limited to, assessments;
  - (h) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and
  - (i) Any other matters which present a reasonable difference as a ground for distinction.
- (3) The rate a city or town may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.
- (4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of **property**.
- (5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.
- (6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.
- (7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.
- (8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

[2003 c 394 § 1; 1997 c 447 § 8; 1995 c 124 § 3; 1991 c 347 § 17; 1965 c 7 § 35.67.020. Prior: 1959 c 90 § 1; 1955 c 266 § 3; prior: 1941 c 193 § 1, part; Rem. Supp. 1941 § 9354-4, part.]

## NOTES:

**Finding -- Purpose -- 1997 c 447:** See note following RCW 70.05.074.

**Purposes -- 1991 c 347:** See note following RCW 90.42.005.

**Severability -- 1991 c 347:** See RCW 90.42.900.

---

## Chapter 35.80A RCW CONDEMNATION OF BLIGHTED PROPERTY

### RCW SECTIONS

35.80A.010 **Condemnation of blighted property.**

35.80A.020 Transfer of blighted **property** acquired by **condemnation**.

35.80A.030 Disposition of blighted **property** -- Procedures.

35.80A.040 Authority to enter blighted buildings or **property** -- Acceptance of financial assistance.

35.80A.900 Severability -- 1989 c 271.

---

### RCW 35.80A.010

#### **Condemnation of blighted property.**

Every county, city, and town may acquire by **condemnation**, in accordance with the notice requirements and other procedures for **condemnation** provided in Title 8 RCW, any **property**, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood. A "blight on the surrounding neighborhood" is any **property**, dwelling, building, or structure that meets any two of the following factors: (1) If a dwelling, building, or structure exists on the **property**, the dwelling, building, or structure has not been lawfully occupied for a period of one year or more; (2) the **property**, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the executive authority of the county, city, or town, or the designee of the executive authority; or (3) the **property**, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months. Prior to such **condemnation**, the local governing body shall adopt a resolution declaring that the acquisition of the real **property** described therein is necessary to eliminate neighborhood blight. **Condemnation of property**, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

[1994 c 175 § 1; 1989 c 271 § 239.]

---

### RCW 35.80A.020

#### **Transfer of blighted property acquired by condemnation.**

Counties, cities, and towns may sell, lease, or otherwise transfer real **property** acquired pursuant to this chapter for residential, recreational, commercial, industrial, or other uses or for public use, subject to such covenants, conditions, and restrictions, including covenants running with the land, as the county,

city, or town deems to be necessary or desirable to rehabilitate and preserve the dwelling, building, or structure in a habitable condition. The purchasers or lessees and their successors and assigns shall be obligated to comply with such other requirements as the county, city, or town may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such **property** required to make the dwelling, building, or structure habitable. Such real **property** or interest shall be sold, leased, or otherwise transferred, at not less than its fair market value. In determining the fair market value of real **property** for uses in accordance with this section, a municipality shall take into account and give consideration to, the restrictions upon and the covenants, conditions, and obligations assumed by the purchaser or lessee.

[1989 c 271 § 240.]

---

### **RCW 35.81.080**

#### **Eminent domain.**

A municipality shall have the right to acquire by **condemnation**, in accordance with the procedure provided for **condemnation** by such municipality for other purposes, any interest in real **property**, which it may deem necessary for a community renewal project under this chapter after the adoption by the local governing body of a resolution declaring that the acquisition of the real **property** described therein is necessary for such purpose. **Condemnation** for community renewal of blighted areas is declared to be a public use, and **property** already devoted to any other public use or acquired by the owner or a predecessor in interest by eminent domain may be **condemned** for the purposes of this chapter.

The award of compensation for real **property** taken for such a project shall not be increased by reason of any increase in the value of the real **property** caused by the assembly, clearance, or reconstruction, or proposed assembly, clearance, or reconstruction in the project area. No allowance shall be made for the improvements begun on real **property** after notice to the owner of such **property** of the institution of proceedings to **condemn** such **property**. Evidence shall be admissible bearing upon the insanitary, unsafe, or substandard condition of the premises, or the unlawful use thereof.

[2002 c 218 § 8; 1965 c 7 § 35.81.080. Prior: 1957 c 42 § 8.]

#### **NOTES:**

**Severability -- Savings -- Construction -- 2002 c 218:** See notes following RCW 35.81.005.

Eminent domain by cities: Chapter 8.12 RCW.

---

### **RCW 35.84.030**

#### **Limitation on right of eminent domain.**

Every city or town owning its own electric power and light plant may exercise the power of eminent domain as provided by law for the **condemnation** of private **property** for any of the corporate uses or purposes of the city or town: PROVIDED, That no city or town shall acquire, by purchase or **condemnation**, any publicly or privately owned electric power and light plant or electric system located in any other city or town except with the approval of a majority of the qualified electors of the city or town in which the **property** to be acquired is situated; nor shall any city or town acquire by **condemnation** the electric power and light plant or electric system, or any part thereof, belonging to or owned or operated by any municipal corporation, mutual, nonprofit, or cooperative association or

organization, or by a public utility district.

[1965 c 7 § 35.84.030. Prior: 1933 c 51 § 3; RRS § 9209-3.]

## NOTES:

Eminent domain by cities: Chapter 8.12 RCW.

### RCW 35.86A.070

#### **Powers and authority of parking commission.**

The parking commission is authorized and empowered, in the name of the municipality by resolution to:

(1) Own and acquire **property** and **property** rights by purchase, gift, devise, or lease for the construction, maintenance, or operation of off-street parking facilities, or for effectuating the purpose of this chapter; and accept grants-in-aid, including compliance with conditions attached thereto;

(2) Construct, maintain, and operate off-street parking facilities located on land dedicated for park or civic center purposes, or on other municipally-owned land where the primary purpose of such off-street parking facility is to provide parking for persons who use such park or civic center facilities, and undertake research, and prepare plans incidental thereto subject to applicable statutes and charter provisions for municipal purchases, expenditures, and improvements; and in addition may own other off-street parking facilities and operate them in accordance with RCW 35.86A.120: PROVIDED, That the provisions of chapter 35.86 RCW as now or hereafter amended shall not apply to such construction, operation or maintenance;

(3) Establish and collect parking fees, require that receipts be provided for parking fees, make exemption for handicapped persons, lease space for commercial, store, advertising or automobile accessory purposes, and regulate prices and service charges, for use of and within and the aerial space over parking facilities under its control;

(4) Subject to applicable city civil service provisions, provide for the appointment, removal and control of officers and employees, and prescribe their duties and compensation, and to control all equipment and **property** under the commission's jurisdiction;

(5) Contract with private persons and organizations for the management and/or operation of parking facilities under its control, and services related thereto, including leasing of such facilities or portions thereof;

(6) Cause construction of parking facilities as a condition of an operating agreement or lease, derived through competitive bidding, or in the manner authorized by chapter 35.42 RCW;

(7) Execute and accept instruments, including deeds, necessary or convenient for the carrying on of its business; acquire rights to develop parking facilities over or under city **property**; and to contract to operate and manage parking facilities under the jurisdiction of other city departments or divisions and of other public bodies;

(8) Determine the need for and recommend to the city council:

(a) The establishment of local improvement districts to pay the cost of parking facilities or any part thereof;



(b) The issuance of bonds or other financing by the city for construction of parking facilities;

(c) The acquisition of **property** and **property** rights by **condemnation** from the public, or in street areas;

(9) Transfer its control of **property** to the city and liquidate its affairs, so long as such transfer does not contravene any covenant or agreement made with the holders of bonds or other creditors; and

(10) Require payment of the excise tax hereinafter provided.

Parking fees for parking facilities under the control of the parking commission shall be maintained commensurate with and neither higher nor lower than prevailing rates for parking charged by commercial operators in the general area.

[1980 c 127 § 1; 1975 1st ex.s. c 221 § 3; 1969 ex.s. c 204 § 7.]

## NOTES:

**Severability -- 1975 1st ex.s. c 221:** See note following RCW 35.86.010.

---

## Chapter 35.92 RCW MUNICIPAL UTILITIES

### RCW SECTIONS

35.92.010 Authority to acquire and operate waterworks -- Generation of electricity -- Classification of services for rates.

35.92.012 May accept and operate water-sewer district's **property** when boundaries are identical.

35.92.014 Acquisition of out-of-state waterworks.

35.92.015 Acquisition of out-of-state waterworks -- Joint acquisition and operation.

35.92.017 Authority to assist customers in the acquisition of water conservation equipment -- Limitations.

35.92.020 Authority to acquire and operate sewerage and solid waste handling systems, plants, sites, or facilities -- Classification of services and facilities for rates -- Assistance for low-income persons.

35.92.021 Public **property** subject to rates and charges for storm water control facilities.

35.92.023 Solid waste -- Compliance with chapter 70.95 RCW required.

35.92.025 Authority to make charges for connecting to water or sewerage system -- Interest charges.

35.92.027 Extension of water and sewer facilities outside city subject to review by boundary review board.

35.92.030 Authority to acquire and operate stone or asphalt plants.

35.92.040 Authority to acquire and operate public markets and cold storage plants -- "Public markets" defined.

- 35.92.050 Authority to acquire and operate utilities.
- 35.92.052 First class cities operating electrical facilities -- Participation in agreements to use or own high voltage transmission facilities and other electrical generating facilities -- Terms -- Limitations.
- 35.92.054 May acquire electrical distribution **property** from public utility district.
- 35.92.060 Authority to acquire and operate transportation facilities.
- 35.92.070 Procedure -- Election.
- 35.92.075 Indebtedness incurred on credit of expected utility revenues.
- 35.92.080 General obligation bonds.
- 35.92.090 Limit of indebtedness.
- 35.92.100 Revenue bonds or warrants.
- 35.92.105 Revenue bonds, warrants, or other evidences of indebtedness for energy or water conservation programs.
- 35.92.110 Funding or refunding bonds.
- 35.92.120 Funding or refunding bonds -- Bonds not general obligation.
- 35.92.130 Funding or refunding bonds -- Single issue may refund multiple series.
- 35.92.140 Funding or refunding bonds -- Issuance of bonds -- Ordinance.
- 35.92.150 Funding or refunding bonds -- Terms of bonds.
- 35.92.160 Funding or refunding bonds -- Recourse of bond owners.
- 35.92.170 City may extend water system outside limits.
- 35.92.180 City may extend water system outside limits -- May acquire **property** outside city.
- 35.92.190 City may extend water system outside limits -- Cannot **condemn** irrigation system.
- 35.92.200 City may extend water system outside limits -- Contracts for outside service.
- 35.92.220 Acquisition of water rights -- Consolidation of irrigation assessment districts.
- 35.92.230 Acquisition of water rights -- Special assessments.
- 35.92.240 Acquisition of water rights -- Levy of assessments.
- 35.92.250 Acquisition of water rights -- District **property** need not be contiguous.
- 35.92.260 Acquisition of water rights -- Mode of assessment.
- 35.92.263 Acquisition of water rights -- Water rights acquired by purchase of shares in water users' association or corporation -- Authority to acquire and hold shares.
- 35.92.265 Acquisition of water rights -- Existing local improvement districts validated -- Debts, obligations, assessments, etc., declared legal and valid.
- 35.92.270 Passenger transportation systems -- Authority to make studies -- Contracts with and acquisition of privately owned systems.
- 35.92.275 Assumption of obligations of private pension plan when urban transportation system acquired.
- 35.92.280 Cities over 150,000, joint undertaking with P.U.D. as to electric utility properties --

"Electric utility properties" defined.

- 35.92.290 Cities over 150,000, joint undertaking with P.U.D. as to electric utility properties -- Agreements.
- 35.92.300 Cities over 150,000, joint undertaking with P.U.D. as to electric utility properties -- Financing.
- 35.92.310 Cities over 150,000, joint undertaking with P.U.D. as to electric utility properties -- Authority granted is additional power.
- 35.92.350 Electrical construction or improvement -- Bid proposals -- Contract proposal forms -- Conditions for issuance -- Refusal -- Appeal.
- 35.92.355 Energy conservation -- Legislative findings.
- 35.92.360 Energy conservation plan -- Financing authorized for energy conservation projects in structures or equipment -- Limitations.
- 35.92.365 Tariff for irrigation pumping service -- Authority to buy back electricity.
- 35.92.370 Lease of real **property** under electrical transmission lines for private gardening purposes.
- 35.92.380 Waiver or delay of collection of tap-in charges, connection or hookup fees for low income persons.
- 35.92.390 Municipal utilities encouraged to provide customers with landscaping information and to request voluntary donations for urban forestry.
- 35.92.400 Provision of water services and facilities -- Contract with Canadian corporation.
- 35.92.410 Provision of sewer services and facilities -- Contract with Canadian corporation.
- 35.92.420 Purchase of electric power and energy from joint operating agency.

#### NOTES:

Assessments and charges against state lands: Chapter 79.44 RCW.

Electric franchises and rights of way: Chapter 80.32 RCW.

Electrical utilities and facilities owned by cities, support for political subdivisions and taxing districts: RCW 35.21.420 through 35.21.440.

Hydroelectric resources, creation of separate legal authority by irrigation districts and cities, towns, or public utility districts: RCW 87.03.825 through 87.03.840.

Joint development of nuclear, thermal power facilities: Chapter 54.44 RCW.

Limitations upon indebtedness: State Constitution Art. 7 § 2 (Amendments 55, 59), Art. 8 § 6 (Amendment 27), chapter 39.36 RCW, RCW 84.52.050.

Local improvement districts, creation: Chapter 35.43 RCW.

Public utility districts: Title 54 RCW.

Sewerage improvement districts: Chapter 85.08 RCW.

Special assessments or taxation for local improvements: State Constitution Art. 7 § 9.

Street railways: Chapter 81.64 RCW.

Water-sewer districts: Title 57 RCW.

## **RCW 35.92.010**

### **Authority to acquire and operate waterworks -- Generation of electricity -- Classification of services for rates.**

A city or town may construct, **condemn** and purchase, purchase, acquire, add to, alter, maintain and operate waterworks, including fire hydrants as an integral utility service incorporated within general rates, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. Such waterworks may include facilities for the generation of electricity as a byproduct and such electricity may be used by the city or town or sold to an entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, **condemn** and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by **condemnation** and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or **condemnation** and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private **property** be necessary for any such purposes or for storing water above high water mark, the city or town may **condemn** and purchase, or purchase and acquire such private **property**. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a city or town that does not own or operate an electric utility system to **condemn** electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

[2002 c 102 § 2; 1991 c 347 § 18. Prior: 1985 c 445 § 4; 1985 c 444 § 2; 1965 c 7 § 35.92.010; prior: 1959 c 90 § 6; 1957 c

209 § 2; prior: 1951 c 252 § 1; 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.010.]

## NOTES:

**Purpose -- Findings -- 2002 c 102:** "The purpose of this act is to affirm the authority of cities and towns to operate fire hydrants and streetlights as part of their rate-based water and electric utilities, respectively. The legislature finds that it has been the practice of most, if not all, cities and towns, as well as water and sewer districts, to include the operation of fire hydrants for fire and maintenance purposes and to incorporate the cost of this operation as a normal part of the utility's services and general rate structure. The legislature further finds and declares that it has been the intent of the legislature that cities and towns, just as water and sewer districts, have the right to operate and maintain streetlights in the same manner as fire hydrants, that is, as a normal part of the electric utility and a normal part of that utility's general rate structure. The legislature therefore affirms that authority." [2002 c 102 § 1.]

**Severability -- 2002 c 102:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2002 c 102 § 4.]

**Purposes -- 1991 c 347:** See note following RCW 90.42.005.

**Severability -- 1991 c 347:** See RCW 90.42.900.

**Intent -- 1985 c 444:** "For the purposes of this act, the legislature finds it is the policy of the state of Washington that:

(1) The quality of the natural environment shall be protected and, where possible, enhanced as follows: Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(2) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public." [1985 c 444 § 1.]

**Construction -- Economic feasibility study -- 1985 c 444:** "(1) Nothing in this act exempts any city or town, water district, or sewer district from compliance with applicable state and federal statutes and regulations including but not limited to: State environmental policy act, chapter 43.21C RCW; national environmental policy act, 42 U.S.C. Sec. 4321 et seq.; federal power act, 16 U.S.C. Sec. 791 et seq.; public utility regulatory policies act, 15 U.S.C. Sec. 717f; Pacific northwest electric power planning and conservation act, 16 U.S.C. Sec. 839; energy financing voter approval act, chapter 80.52 RCW; water resources act, chapter 90.54 RCW; federal clean water act, 33 U.S.C. Sec. 1251 et seq.; the public water system coordination act, chapter 70.116 RCW; and the state clean water act, chapter 90.48 RCW.

(2) In addition, if the work proposed under this act involves a new water supply project combined with an electric generation facility with an installed capacity in excess of five megawatts which may

produce electricity for sale in excess of present and future needs of the water system, then each of those with a greater than twenty-five percent ownership interest in the project shall jointly prepare an independent economic feasibility study evaluating the cost-effectiveness of the combined facility in the context of forecast regional water needs, alternate sources of water supply, and the potential impact of the combined facility on rates charged for water and electricity.

In addition to the economic feasibility study, the results of the environmental impact statement required by chapter 43.21C RCW and any review by the department of ecology made pursuant to chapter 90.54 RCW shall be made available to the public at least sixty days prior to any public vote on the new combined project.

(3) This act supplements the authority of cities and towns, water districts, and sewer districts and does not restrict or impose limits on any authority such municipal corporations may otherwise have under any laws of this state nor may the authority of such municipal corporations under other laws of this state be construed more narrowly on account of this act." [1985 c 444 § 7.]

**Severability -- 1985 c 444:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 444 § 8.]

**Validating -- 1917 c 12:** "Whenever any city or town has heretofore issued or authorized to be issued by such vote of its electors as is required by law at any election duly and legally held to vote on such proposition, such utility bonds for the purpose of purchasing, paying for or acquiring any such utility as is described in this act, in every such case such utility bonds are hereby declared to be legal and valid, and such city or town is hereby authorized and empowered to proceed to issue and negotiate such bonds and to continue and conclude proceedings for the purchase or acquirement of such utility, and is hereby given full power to maintain and operate the same within all and every part of such contiguous territory whether incorporated or unincorporated." [1917 c 12 § 2.]

**Validating -- 1909 c 150:** "That in all cases where the qualified electors of any city or town have heretofore, at any election, ratified any plan or system of any public utility mentioned in section 1 of this act, and shall have authorized a general indebtedness of such city or town and the issuance of bonds therefor, or the creation of a special fund or funds out of the revenues of the public utility the plan or system of which was so ratified, and the issuance of bonds or warrants payable only out of such fund or funds; and pursuant to such authorization or ratification a general indebtedness shall have been incurred or authorized to be incurred, and bonds or other obligations issued or contracted to be issued or authorized to be issued, or a special fund or funds shall have been created out of the revenue of any such public utility by pledging or setting aside a fixed proportion of such revenues, or a fixed amount out of and not exceeding a fixed proportion or a fixed amount without regard to any fixed proportion, and bonds or warrants payable either upon the call of such city or town or at a fixed date, but only out of such special fund or funds, issued or contracted to be issued or authorized to be issued, or a contract or contracts for the purchase, construction, acquisition, improvement, betterment, or addition to such public utility entered into; such general indebtedness, bonds or other obligations, contracts, special funds, and bonds or warrants, payable out of such special funds, and all proceedings relating thereto, are hereby ratified, confirmed and validated; and any bonds or other obligations constituting a general indebtedness, or bonds or warrants payable out of such special funds, heretofore so authorized, may be hereafter issued or sold as if all of said proceedings were taken pursuant to and under the authority of this act, and in full compliance therewith." [1909 c 150 § 5.]

Eminent domain by cities: Chapter 8.12 RCW.

Evaluation of application to appropriate water for electric generation facility: RCW 90.54.170.

## **RCW 35.92.020**

**Authority to acquire and operate sewerage and solid waste handling systems, plants, sites, or facilities -- Classification of services and facilities for rates -- Assistance for low-income persons.**

(1) A city or town may construct, **condemn** and purchase, purchase, acquire, add to, alter, maintain, and operate systems, plants, sites, or other facilities of sewerage as defined in RCW 35.67.010, or solid waste handling as defined by RCW 70.95.030. A city or town shall have full authority to manage, regulate, operate, control, and, except as provided in subsection (3) of this section, to fix the price of service and facilities of those systems, plants, sites, or other facilities within and without the limits of the city or town.

(2) Subject to subsection (3) of this section, the rates charged shall be uniform for the same class of customers or service and facilities. In classifying customers served or service and facilities furnished by a system or systems of sewerage, the legislative authority of the city or town may in its discretion consider any or all of the following factors:

- (a) The difference in cost of service and facilities to customers;
- (b) The location of customers within and without the city or town;
- (c) The difference in cost of maintenance, operation, repair, and replacement of the parts of the system;
- (d) The different character of the service and facilities furnished to customers;
- (e) The quantity and quality of the sewage delivered and the time of its delivery;
- (f) Capital contributions made to the systems, plants, sites, or other facilities, including but not limited to, assessments;
- (g) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and
- (h) Any other factors that present a reasonable difference as a ground for distinction.

(3) The rate a city or town may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of **property**.

(5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.

(6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site

sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

(7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

(8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

[2003 c 394 § 2; 1997 c 447 § 9; 1995 c 124 § 5; 1989 c 399 § 6; 1985 c 445 § 5; 1965 c 7 § 35.92.020. Prior: 1959 c 90 § 7; 1957 c 288 § 3; 1957 c 209 § 3; prior: 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.020.]

## NOTES:

**Finding -- Purpose -- 1997 c 447:** See note following RCW 70.05.074.

---

## RCW 35.92.052

**First class cities operating electrical facilities -- Participation in agreements to use or own high voltage transmission facilities and other electrical generating facilities -- Terms -- Limitations.**

(1) Except as provided in subsection (3) of this section, cities of the first class which operate electric generating facilities and distribution systems shall have power and authority to participate and enter into agreements for the use or undivided ownership of high voltage transmission facilities and capacity rights in those facilities and for the undivided ownership of any type of electric generating plants and facilities, including, but not limited to, nuclear and other thermal power generating plants and facilities and transmission facilities including, but not limited to, related transmission facilities, to be called "common facilities"; and for the planning, financing, acquisition, construction, operation, and maintenance with: (a) Each other; (b) electrical companies which are subject to the jurisdiction of the Washington utilities and transportation commission or the regulatory commission of any other state, to be called "regulated utilities"; (c) rural electric cooperatives, including generation and transmission cooperatives in any state; (d) municipal corporations, utility districts, or other political subdivisions in any state; and (e) any agency of the United States authorized to generate or transmit electrical energy. It shall be provided in such agreements that each city shall use or own a percentage of any common facility equal to the percentage of the money furnished or the value of **property** supplied by it for the acquisition and construction of or additions or improvements to the facility and shall own and control or provide for the use of a like percentage of the electrical transmission or output.

(2) A city using or owning common facilities under this section may issue revenue bonds or other obligations to finance the city's share of the use or ownership of the common facilities.



(3) Cities of the first class shall have the power and authority to participate and enter into agreements for the use or undivided ownership of a coal-fired thermal electric generating plant and facility placed in operation before July 1, 1975, including related common facilities, and for the planning, financing, acquisition, construction, operation, and maintenance of the plant and facility. It shall be provided in such agreements that each city shall use or own a percentage of any common facility equal to the percentage of the money furnished or the value of **property** supplied by the city for the acquisition and construction of or additions or improvements to the facility and shall own and control or provide for the use of a like percentage of the electrical transmission or output of the facility. Cities may enter into agreements under this subsection with each other, with regulated utilities, with rural electric cooperatives, with utility districts, with electric companies subject to the jurisdiction of the regulatory commission of any other state, and with any power marketer subject to the jurisdiction of the federal energy regulatory commission.

(4) The agreement must provide that each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its percentage of the money furnished or value of **property** supplied by it for the planning, acquisition, and construction of any common facility, or any additions or betterments. The agreement shall provide a uniform method of determining and allocating operation and maintenance expenses of a common facility.

(5) Each city participating in the ownership, use, or operation of a common facility shall pay all taxes chargeable to its share of the common facility and the electric energy generated under any applicable statutes and may make payments during preliminary work and construction for any increased financial burden suffered by any county or other existing taxing district in the county in which the common facility is located, under agreement with such county or taxing district.

(6) In carrying out the powers granted in this section, each such city shall be severally liable only for its own acts and not jointly or severally liable for the acts, omissions, or obligations of others. No money or **property** supplied by any such city for the planning, financing, acquisition, construction, operation, or maintenance of, or addition or improvement to any common facility shall be credited or otherwise applied to the account of any other participant therein, nor shall the undivided share of any city in any common facility be charged, directly or indirectly, with any debt or obligation of any other participant or be subject to any lien as a result thereof. No action in connection with a common facility shall be binding upon any city unless authorized or approved by resolution or ordinance of its governing body.

(7) Any city acting jointly outside the state of Washington, by mutual agreement with any participant under authority of this section, shall not acquire properties owned or operated by any public utility district, by any regulated utility, or by any public utility owned by a municipality without the consent of the utility owning or operating the **property**, and shall not participate in any **condemnation** proceeding to acquire such properties.

[1997 c 230 § 1; 1992 c 11 § 1; 1989 c 249 § 1.]

---

#### RCW 35.92.054

#### May acquire electrical distribution property from public utility district.

Any city or town may acquire by purchase or **condemnation** from any public utility district or combination of public utility districts any electrical distribution **property** within the boundaries of such city or town: PROVIDED, That such right of **condemnation** shall not apply to a city or town located

within a public utility district that owns the electric distribution properties sought to be **condemned**.

[1965 c 7 § 35.92.054. Prior: 1953 c 97 § 1; 1951 c 272 § 1. Formerly RCW 80.40.054.]

#### NOTES:

Right of county-wide utility district to acquire distribution properties: RCW 54.32.040.

#### **RCW 35.92.220**

##### **Acquisition of water rights -- Consolidation of irrigation assessment districts.**

(1) A city or town, situated within or served by, an irrigation project, or projects, owned or operated by the United States government, a water users' association, associations, corporation, or corporations or another city or town or towns, where the legislative authority deems it feasible to furnish water for irrigation and domestic purposes, or either, and where the water used for irrigation and domestic purposes or either, is appurtenant or may become appurtenant to the land located within such city or town, may purchase, lease, or otherwise acquire water or water rights for the purpose of furnishing the city or town and the inhabitants thereof with a supply of water for irrigation and domestic purposes, or either; purchase, construct, or otherwise acquire systems and means of distribution and delivery of water within and without the limits of the city or town, or for the delivery of water where the owner of land within the city or town owns a water right appurtenant to his or her land, with full power to maintain, repair, reconstruct, regulate, and control the same, and if private **property** is necessary for such purposes, the city or town may **condemn** and purchase or purchase and acquire **property**, enter into any contract, and order any and all work to be done that is necessary to carry out such purposes, and it may do so either by the entire city or town or by assessment districts, consisting of the whole or any portion thereof, as the legislative authority of the city or town may determine.

(2) The legislative authority of any city or town may by ordinance authorize the consolidation of separate irrigation assessment districts, previously established pursuant to this section, for the purposes of construction or rehabilitation of improvements, or of ongoing administration, service, repair, and reconstruction of irrigation systems. The separate irrigation assessment districts to be consolidated need not be adjoining, vicinal, or neighboring. If the legislative authority orders the creation of such consolidated irrigation assessment districts, the money received and on hand from assessments levied within the original districts shall be deposited in a consolidated fund to be used by the municipality for future expenses within the consolidated district.

[1995 c 89 § 1; 1965 c 130 § 1; 1965 c 7 § 35.92.220. Prior: 1915 c 112 § 1; RRS § 9495. Formerly RCW 80.40.220.]

#### **RCW 35.92.310**

##### **Cities over 150,000, joint undertaking with P.U.D. as to electric utility properties -- Authority granted is additional power.**

The authority and power granted by RCW 35.92.280 through 35.92.310 is an additional grant of power to cities, towns, and public utility districts to acquire and operate electric public utilities, and the provisions hereof shall be construed liberally to effectuate the authority herein conferred, and no restriction or limitation prescribed in any other law shall prohibit the cities, towns and public utility districts of this state from exercising the authority herein conferred: PROVIDED, That nothing in RCW 35.92.280 through 35.92.310 shall authorize any public utility district or city cooperating under the provisions of RCW 35.92.280 through 35.92.310 to **condemn** any **property** owned or operated by any privately owned utility.

[1965 c 7 § 35.92.310. Prior: 1957 c 287 § 4. Formerly RCW 80.40.310.]

## RCW 35.95A.050

### Powers.

Every authority has the following powers:

(1) To acquire by purchase, **condemnation**, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate, and regulate the use of public monorail transportation facilities, including passenger terminal and parking facilities and properties, and other facilities and properties as may be necessary for passenger and vehicular access to and from public monorail transportation facilities, together with all lands, rights of way, and **property** within or outside the authority area, and together with equipment and accessories necessary or appropriate for these facilities, except that **property**, including but not limited to other types of public transportation facilities, that is owned by any city, county, county transportation authority, public transportation benefit area, metropolitan municipal corporation, or regional transit authority may be acquired or used by an authority only with the consent of the public entity owning the **property**. The entities are authorized to convey or lease **property** to an authority or to contract for their joint use on terms fixed by agreement between the entity and the authority;

(2) To fix rates, tolls, fares, and charges for the use of facilities and to establish various routes and classes of service. Rates, tolls, fares, or charges may be adjusted or eliminated for any distinguishable class of users including, but not limited to, senior citizens and handicapped persons;

(3) To contract with the United States or any of its agencies, any state or any of its agencies, any metropolitan municipal corporation, and other country, city, other political subdivision or governmental instrumentality, or governmental agency, or any private person, firm, or corporation for the purpose of receiving any gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction, operation, or maintenance of public monorail transportation facilities as follows:

(a) Notwithstanding the provisions of any law to the contrary, and in addition to any other authority provided by law, the governing body of a city transportation authority may contract with one or more vendors for the design, construction, operation, or maintenance, or other service related to the development of a monorail public transportation system including, but not limited to, monorail trains, operating systems and control equipment, guideways, and pylons, together with the necessary passenger stations, terminals, parking facilities, and other related facilities necessary and appropriate for passenger and vehicular access to and from the monorail train.

(b) If the governing body of the city transportation authority decides to proceed with the consideration of qualifications or proposals for services from qualified vendors, the authority must publish notice of its requirements and request submission of qualifications statements or proposals. The notice must be published in the official newspaper of the city creating the authority at least once a week for two weeks, not less than sixty days before the final date for the submission of qualifications statements or proposals. The notice must state in summary form: (i) The general scope and nature of the design, construction, operation, maintenance, or other services being sought related to the development of the proposed monorail, tram, or trolley public transportation system; (ii) the name and address of a representative of the city transportation authority who can provide further details; (iii) the final date for the submission of qualifications statements or proposals; (iv) an estimated schedule for the consideration of qualifications statements or proposals, the selection of vendors, and the negotiation of a contract or

contracts for services; (v) the location of which a copy of any requests for qualifications statements or requests for proposals will be made available; and (vi) the criteria established by the governing body of the authority to select a vendor or vendors, which may include, but is not limited to, the vendor's prior experience, including design, construction, operation, or maintenance of other similar public transportation facilities, respondent's management capabilities, proposed project schedule, availability and financial resources, costs of the services to be provided, nature of facility design proposed by the vendors, system reliability, performance standards required for the facilities, compatibility with existing public transportation facilities operated by the authority or any other public body or other providers of similar services to the public, project performance guarantees, penalties, and other enforcement provisions, environmental protection measures to be used by the vendor, consistency with the applicable regional transportation plans, and the proposed allocation of project risks.

(c) If the governing body of the city transportation authority decides to proceed with the consideration of qualifications statements or proposals submitted by vendors, it may designate a representative to evaluate the vendors who submitted qualifications statements or proposals and conduct discussions regarding qualifications or proposals with one or more vendors. The governing body or its representative may request submission of qualifications statements and may later request more detailed proposals from one or more vendors who have submitted qualifications statements, or may request detailed proposals without having first received and evaluated qualifications statements. The governing body or its representative will evaluate the qualifications or proposals, as applicable. If two or more vendors submit qualifications or proposals that meet the criteria established by the governing body of the authority, discussions and interviews must be held with at least two vendors. Any revisions to a request for qualifications or request for proposals must be made available to all vendors then under consideration by the governing body of the authority and must be made available to any other person who has requested receipt of that information.

(d) Based on the criteria established by the governing body of the authority, the representative will recommend to the governing body a vendor or vendors that are initially determined to be the best qualified to provide one or more of the design, construction, operation or maintenance, or other service related to the development of the proposed monorail public transportation system.

(e) The governing body of the authority or its representative may attempt to negotiate a contract with the vendor or vendors selected for one or more of the design, construction, operation or maintenance, or other service related to the development of the proposed monorail public transportation system on terms that the governing body of the authority determines to be fair and reasonable and in the best interest of the authority. If the governing body, or its representative, is unable to negotiate a contract with any one or more of the vendors first selected on terms that it determines to be fair and reasonable and in the best interest of the authority, negotiations with any one or more of the vendors must be terminated or suspended and another qualified vendor or vendors may be selected in accordance with the procedures set forth in this section. If the governing body decides to continue the process of selection, negotiations will continue with a qualified vendor or vendors in accordance with this section at the sole discretion of the governing body of the authority until an agreement is reached with one or more qualified vendors, or the process is terminated by the governing body. The process may be repeated until an agreement is reached.

(f) Prior to entering into a contract with a vendor, the governing body of the authority must make written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract, that the contract is financially sound, and that it is advantageous for the governing body of the authority to use this method for awarding contracts for one or more of the design, construction, or operation or maintenance of the proposed monorail public transportation system as compared to all other methods of awarding such contracts.

(g) Each contract must include a project performance bond or bonds or other security by the vendor.

(h) The provisions of chapters 39.12 and 39.19 RCW apply to a contract entered into under this section as if the public transportation systems and facilities were owned by a public body.

(i) The vendor selection process permitted by this section is supplemental to and is not construed as a repeal of or limitation on any other authority granted by law.

(j) Contracts for the construction of facilities, other than contracts for facilities to be provided by the selected vendor, with an estimated cost greater than two hundred thousand dollars must be awarded after a competitive bid process consistent with chapter 39.04 RCW or awarded through an alternative public works contracting procedure consistent with chapter 39.10 RCW;

(4) To contract with the United States or any of its agencies, any state or any of its agencies, any metropolitan municipal corporation, any other county, city, other political subdivision or governmental instrumentality, any governmental agency, or any private person, firm, or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands, and rights of way of all kinds which are owned, leased, or held by the other party and for the purpose of planning, designing, constructing, operating any public transportation facility, or performing any service related to transportation which the authority is authorized to operate or perform, on terms as may be agreed upon by the contracting parties;

(5) To acquire any existing public transportation facility by conveyance, sale, or lease. In any acquisition from a county, city, or other political subdivision of the state, the authority will receive credit from the county or city or other political subdivision for any federal assistance and state matching assistance used by the county or city or other political subdivision in acquiring any portion of the public transportation facility. Upon acquisition, the authority must assume and observe all existing labor contracts relating to the public transportation facility and, to the extent necessary for operation of the public transportation facility, all of the employees of the public transportation facility whose duties are necessary to efficiently operate the public transportation facility must be appointed to comparable positions to those which they held at the time of the transfer, and no employee or retired or pensioned employee of the public transportation facility will be placed in any worse position with respect to pension seniority, wages, sick leave, vacation, or other benefits than he or she enjoyed as an employee of the public transportation facility prior to the acquisition. Furthermore, the authority must engage in collective bargaining with the duly appointed representatives of any employee labor organization having existing contracts with the acquired facility and may enter into labor contracts with the employee labor organization;

(6) To contract for, participate in, and support research, demonstration, testing, and development of public monorail transportation facilities, equipment, and use incentives, and have all powers necessary to comply with any criteria, standards, and regulations which may be adopted under state and federal law, and to take all actions necessary to meet the requirements of those laws. The authority has, in addition to these powers, the authority to prepare, adopt, and carry out a comprehensive public monorail plan and to make other plans and studies and to perform programs as the authority deems necessary to implement and comply with those laws;

(7) To establish local improvement districts within the authority area to finance public monorail transportation facilities, to levy special assessments on **property** specially benefited by those facilities, and to issue local improvement bonds to be repaid by the collection of local improvement assessments. The method of establishment, levying, collection, enforcement, and all other matters relating to the local

improvement districts, assessments, collection, and bonds are as provided in the statutes governing local improvement districts of cities and towns. The duties devolving upon the city treasurer in those statutes are imposed on the treasurer of the authority;

(8) To exercise all other powers necessary and appropriate to carry out its responsibilities, including without limitation the power to sue and be sued, to own, construct, purchase, lease, add to, and maintain any real and personal **property** or **property** rights necessary for the conduct of the affairs of the authority, to enter into contracts, and to employ the persons as the authority deems appropriate. An authority may also sell, lease, convey, or otherwise dispose of any real or personal **property** no longer necessary for the conduct of the affairs of the authority.

[2002 c 248 § 5.]

---

## RCW 35.97.040

### Heating systems -- Specific powers of municipalities.

In addition to the general powers under RCW 35.97.030, and not by way of limitation, municipalities have the following specific powers:

- (1) The usual powers of a corporation, to be exercised for public purposes;
- (2) To acquire by purchase, gift, or **condemnation property** or interests in **property** within and without the municipality, necessary for the construction and operation of heating systems, including additions and extensions of heating systems. No municipality may acquire any heat source by **condemnation**. To the extent judged economically feasible by the municipality, public **property** and rights of way shall be utilized in lieu of private **property** acquired by **condemnation**. The municipality shall determine in cooperation with existing users that addition of district heating facilities to any public **property** or rights of way shall not be a hazard or interference with existing uses or, if so, that the cost for any relocation of facilities of existing users shall be a cost and expense of installing the heating facility;
- (3) To acquire, install, add to, maintain, and operate heating facilities at a heat source or to serve particular consumers of heat, whether such facilities are located on **property** owned by the municipality, by the consumer of heat, or otherwise;
- (4) To sell, lease, or otherwise dispose of heating facilities;
- (5) To contract for the operation of heating facilities;
- (6) To apply and qualify for and receive any private or federal grants, loans, or other funds available for carrying out the objects of the municipality under this chapter;
- (7) Full and exclusive authority to sell and regulate and control the use, distribution, rates, service, charges, and price of all heat supplied by the municipality and to carry out any other powers and duties under this chapter free from the jurisdiction and control of the utilities and transportation commission;
- (8) To utilize fuels other than the heat sources described in RCW 35.97.020 on a standby basis, to meet start up and emergency requirements, to meet peak demands, or to supplement those heat sources as necessary to provide a reliable and economically feasible supply of heat;

(9) To the extent permitted by the state Constitution, to make loans for the purpose of enabling suppliers or consumers of heat to finance heating facilities;

(10) To enter into cooperative agreements providing for the acquisition, construction, ownership, financing, use, control, and regulation of heating systems and heating facilities by more than one municipality or by one or more municipalities on behalf of other municipalities.

[1983 c 216 § 4.]

---

#### **RCW 36.37.020**

##### **Property may be acquired for fairs.**

The board of county commissioners of any county in the state may acquire by gift, devise, purchase, **condemnation** and purchase, or otherwise, lands, **property** rights, leases, easements, and all kinds of personal **property** and own and hold the same and construct and maintain temporary or permanent improvements suitable and necessary for the purpose of holding and maintaining county or district fairs for the exhibition of county or district resources and products.

[1963 c 4 § 36.37.020. Prior: 1947 c 184 § 2; 1917 c 32 § 2; Rem. Supp. 1947 § 2751.]

---

#### **RCW 36.57.040**

##### **Powers and duties.**

Every county transportation authority created to perform the function of public transportation pursuant to RCW 36.57.020 shall have the following powers:

(1) To prepare, adopt, carry out, and amend a general comprehensive plan for public transportation service.

(2) To acquire by purchase, **condemnation**, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate, and regulate the use of any transportation facilities and properties, including terminal and parking facilities, together with all lands, rights of way, **property**, equipment, and accessories necessary for such systems and facilities.

(3) To fix rates, tolls, fares, and charges for the use of such facilities and to establish various routes and classes of service. Fares or charges may be adjusted or eliminated for any distinguishable class of users including, but not limited to senior citizens, handicapped persons, and students.

(4) If a county transit authority extends its transportation function to any area in which service is already offered by any company holding a certificate of public convenience and necessity from the Washington utilities and transportation commission under RCW 81.68.040, to acquire by purchase or **condemnation** at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation, or to contract with such person or corporation to continue to operate such service or any part thereof for time and upon such terms and conditions as provided by contract.

(5)(a) To contract with the United States or any agency thereof, any state or agency thereof, any metropolitan municipal corporation, any other county, city, special district, or governmental agency and any private person, firm, or corporation for the purpose of receiving gifts or grants or securing loans or

advances for preliminary planning and feasibility studies, or for the design, construction, operation, or maintenance of transportation facilities and ambulance services: PROVIDED, That before the authority enters into any such contract for the provision of ambulance service, it shall submit to the voters a proposition authorizing such contracting authority, and a majority of those voting thereon shall have approved the proposition; and

(b) To contract with any governmental agency or with any private person, firm, or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands, and rights of way of all kinds which are owned, leased, or held by the other party and for the purpose of planning, constructing, or operating any facility or performing any service related to transportation which the county is authorized to operate or perform, on such terms as may be agreed upon by the contracting parties: PROVIDED, That before any contract for the lease or operation of any transportation facilities shall be let to any private person, firm, or corporation, competitive bids shall first be called for and contracts awarded in accord with the procedures established in accord with RCW 36.32.240, 36.32.250, and 36.32.270.

(6) In addition to all other powers and duties, an authority shall have the power to own, construct, purchase, lease, add to, and maintain any real and personal **property** or **property** rights necessary for the conduct of the affairs of the authority. An authority may sell, lease, convey, or otherwise dispose of any authority real or personal **property** no longer necessary for the conduct of the affairs of the authority. An authority may enter into contracts to carry out the provisions of this section.

[1982 c 10 § 6. Prior: 1981 c 319 § 2; 1981 c 25 § 3; 1974 ex.s. c 167 § 4.]

#### NOTES:

**Severability -- 1982 c 10:** See note following RCW 6.13.080.

---

#### RCW 36.57A.090

##### **Additional powers -- Acquisition of existing system.**

A public transportation benefit area authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare, adopt, and carry out a general comprehensive plan for public transportation service which will best serve the residents of the public transportation benefit area and to amend said plan from time to time to meet changed conditions and requirements.

(2) To acquire by purchase, **condemnation**, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate, and regulate the use of transportation facilities and properties within or without the public transportation benefit area or the state, including systems of surface, underground, or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including escalators, moving sidewalks, or other people-moving systems, passenger terminal and parking facilities and properties, and such other facilities and properties as may be necessary for passenger and vehicular access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, **property**, equipment, and accessories necessary for such systems and facilities. Public transportation facilities and properties which are owned by any city may be acquired or used by the public transportation benefit area authority only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to a public transportation benefit area authority or to contract for their joint use on such terms



as may be fixed by agreement between the city council of such city and the public transportation benefit area authority, without submitting the matter to the voters of such city.

The facilities and properties of a public transportation benefit area system whose vehicles will operate primarily within the rights of way of public streets, roads, or highways, may be acquired, developed, and operated without the corridor and design hearings which are required by \*RCW 35.58.273, as now or hereafter amended, for mass transit facilities operating on a separate right of way.

(3) To fix rates, tolls, fares, and charges for the use of such facilities and to establish various routes and classes of service. Fares or charges may be adjusted or eliminated for any distinguishable class of users including, but not limited to, senior citizens, handicapped persons, and students.

In the event any person holding a certificate of public convenience and necessity from the Washington utilities and transportation commission under RCW 81.68.040 has operated under such certificate for a continuous period of one year prior to the date of certification and is offering service within the public transportation benefit area on the date of the certification by the county canvassing board that a majority of votes cast authorize a tax to be levied and collected by the public transportation benefit area authority, such authority may by purchase or **condemnation** acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation. The person holding such existing certificate may require the public transportation benefit area authority to initiate such purchase of those assets of such person, existing as of the date of the county canvassing board certification, within sixty days after the date of such certification.

[1981 c 25 § 4; 1977 ex.s. c 44 § 3; 1975 1st ex.s. c 270 § 19.]

#### NOTES:

**\*Reviser's note:** RCW 35.58.273 was repealed by 2002 c 6 § 2.

**Severability -- Effective date -- 1977 ex.s. c 44:** See notes following RCW 36.57A.030.

**Severability -- Effective date -- 1975 1st ex.s. c 270:** See notes following RCW 35.58.272.

**RCW 36.68.010****Counties may establish park and playground systems -- Disposition of surplus park property.**

Counties may establish park and playground systems for public recreational purposes and for such purposes shall have the power to acquire lands, buildings and other facilities by gift, purchase, lease, devise, bequest and **condemnation**. A county may lease or sell any park **property**, buildings or facilities surplus to its needs, or no longer suitable for park purposes: PROVIDED, That such park **property** shall be subject to the requirements and provisions of notice, hearing, bid or intergovernmental transfer as provided in chapter 36.34 RCW: PROVIDED FURTHER, That nothing in this section shall be construed as authorizing any county to sell any **property** which such county acquired by **condemnation** for park or playground or other public recreational purposes on or after January 1, 1960, until held for five years or more after such acquisition: PROVIDED FURTHER, That funds acquired from the lease or sale of any park **property**, buildings or facilities shall be placed in the park and recreation fund to be used for capital purposes.

[1963 c 4 § 36.68.010. Prior: 1961 c 92 § 1; 1949 c 94 § 1; Rem. Supp. 1949 § 3991-14.]

**RCW 36.75.040****Powers of county commissioners.**

The board of county commissioners of each county, in relation to roads and bridges, shall have the power and it shall be its duty to:

- (1) Acquire in the manner provided by law **property** real and personal and acquire or erect structures necessary for the administration of the county roads of such county;
- (2) Maintain a county engineering office and keep record of all proceedings and orders pertaining to the county roads of such county;
- (3) Acquire land for county road purposes by purchase, gift, or **condemnation**, and exercise the right of eminent domain as by law provided for the taking of land for public use by counties of this state;
- (4) Perform all acts necessary and proper for the administration of the county roads of such county as by law provided;
- (5) In its discretion rent or lease any lands, improvements or air space above or below any county road or unused county roads to any person or entity, public or private: PROVIDED, That the said renting or leasing will not interfere with vehicular traffic along said county road or adversely affect the safety of the traveling public: PROVIDED FURTHER, That any such sale, lease or rental shall be by public bid in the manner provided by law: AND PROVIDED FURTHER, That nothing herein shall prohibit any county from granting easements of necessity.

[1969 ex.s. c 182 § 15; 1963 c 4 § 36.75.040. Prior: 1937 c 187 § 3; RRS § 6450-3.]

**RCW 36.75.230****Acquisition of land under RCW 36.75.210 and 36.75.220.**

For the purpose of carrying into effect RCW 36.75.210 and 36.75.220 and under the circumstances therein set out the boards may acquire land necessary for the right of way for any portion of a county

road lying outside such county or counties by gift or purchase or by **condemnation** in the manner provided for the taking of **property** for public use by counties.

[1963 c 4 § 36.75.230. Prior: 1937 c 187 § 25, part; RRS § 6450-25, part.]

### **RCW 36.81.110**

#### **County road on or over dikes -- Condemnation for dike roads.**

If any offer of damages to any diking, or diking and drainage, district is not accepted in the manner provided by law, it shall be deemed rejected, and the board by order, shall direct **condemnation** proceedings to procure the right of way to be instituted in the superior court of the county by the prosecuting attorney in the manner provided by law for the taking of private **property** for public use, and to that end the board may institute and maintain in the name of the county such proceedings against the diking, or diking and drainage, district and the owners of any land on which the dike is located and that have failed to accept the offer of damages made by the board: PROVIDED, That no taxes or assessments shall be charged or collected by any diking, or diking and drainage, district for any county road as provided in this section.

[1963 c 4 § 36.81.110. Prior: 1937 c 187 § 16; RRS § 6450-16.]

### **RCW 36.85.020**

#### **Aviation site not exempt from condemnation.**

Whenever any county has established a public highway, which, in whole or in part, abuts upon and adjoins any aviation site in such county, no **property** shall be exempt from **condemnation** for such highway by reason of the same having been or being dedicated, appropriated, or otherwise reduced or held to public use.

[1963 c 4 § 36.85.020. Prior: 1925 ex.s. c 41 § 1; RRS § 905-2.]

### **RCW 36.88.310**

#### **Acquisition of property -- Eminent domain.**

All land, premises or **property** necessary for right-of-way or other purposes in the construction or improvement of any county road, including bridges, sidewalks, curbs and gutters and the drainage facilities therefor, under this chapter may be acquired by the county acting through its board of county commissioners, either by gift, purchase or by **condemnation**. In the event of any exercise of the power of eminent domain, the procedure shall be the same as is provided by law for the securing of right-of-way for county roads. The title to all **property** acquired for any construction or improvement under this chapter shall be taken in the name of the county. The county commissioners in any eminent domain action brought to secure any **property** for construction or improvement under this chapter may pay any final judgment entered in such action with county road funds and take possession of the particular **property condemned**. In the event of any such payment the county commissioners may require that the county road fund be reimbursed out of the particular county road improvement fund of the district for which the **property** was acquired.

[1963 c 4 § 36.88.310. Prior: 1951 c 192 § 31.]

**RCW 36.89.030****Authority to establish, acquire, develop, construct, and improve highways, open spaces, parks, etc.**

Counties are authorized to establish, acquire, develop, construct, and improve open space, park, recreation, and community facilities, public health and safety facilities, storm water control facilities, and highways or any of them pursuant to the provisions of this chapter within and without the cities and towns of the county and for such purposes have the power to acquire lands, buildings and other facilities by gift, grant, purchase, **condemnation**, lease, devise, and bequest, to construct, improve, or maintain buildings, structures, and facilities necessary for such purposes, and to use and develop for such purposes the air rights over and the subsurface rights under any highway. The approval of the state department of transportation shall be first secured for such use and development of any state highway. For visual or sound buffer purposes the county shall not acquire by **condemnation** less than an owner's entire interest or right in the particular real **property** to be so acquired if the owner objects to the taking of a lesser interest or right.

[1984 c 7 § 42; 1970 ex.s. c 30 § 3; 1967 c 109 § 3.]

**NOTES:**

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

Acquisition of interests in land for conservation, protection, preservation, or open space purposes by counties: RCW 64.04.130.

Flood control, county powers: RCW 86.12.020.

**RCW 36.94.020****Purpose -- Powers.**

The construction, operation, and maintenance of a system of sewerage and/or water is a county purpose. Subject to the provisions of this chapter, every county has the power, individually or in conjunction with another county or counties to adopt, provide for, accept, establish, **condemn**, purchase, construct, add to, operate, and maintain a system or systems of sanitary and storm sewers, including outfalls, interceptors, plans, and facilities and services necessary for sewerage treatment and disposal, and/or system or systems of water supply within all or a portion of the county. However, counties shall not have power to **condemn** sewerage and/or water systems of any municipal corporation or private utility.

Such county or counties shall have the authority to control, regulate, operate, and manage such system or systems and to provide funds therefor by general obligation bonds, revenue bonds, local improvement district bonds, utility local improvement district or local improvement district assessments, and in any other lawful fiscal manner. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of **property**.

Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided,

prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

A county shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using county employees unless the on-site system is connected by a publicly owned collection system to the county's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of a state or local health officer to carry out their responsibilities under any other applicable law.

A county may, as part of a system of sewerage established under this chapter, provide for, finance, and operate any of the facilities and services and may exercise the powers expressly authorized for county storm water, flood control, pollution prevention, and drainage services and activities under chapters 36.89, 86.12, 86.13, and 86.15 RCW. A county also may provide for, finance, and operate the facilities and services and may exercise any of the powers authorized for aquifer protection areas under chapter 36.36 RCW; for lake management districts under chapter 36.61 RCW; for diking districts, and diking, drainage, and sewerage improvement districts under chapters 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection districts under chapter 90.72 RCW. However, if a county by reference to any of those statutes assumes as part of its system of sewerage any powers granted to such areas or districts and not otherwise available to a county under this chapter, then (1) the procedures and restrictions applicable to those areas or districts apply to the county's exercise of those powers, and (2) the county may not simultaneously impose rates and charges under this chapter and under the statutes authorizing such areas or districts for substantially the same facilities and services, but must instead impose uniform rates and charges consistent with RCW 36.94.140. By agreement with such an area or district that is not part of a county's system of sewerage, a county may operate that area's or district's services or facilities, but a county may not dissolve any existing area or district except in accordance with any applicable provisions of the statute under which that area or district was created.

[1997 c 447 § 11; 1981 c 313 § 1; 1967 c 72 § 2.]

## NOTES:

**Finding -- Purpose -- 1997 c 447:** See note following RCW 70.05.074.

**Severability -- 1981 c 313:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 313 § 23.]

---

## Chapter 37.16 RCW

### ACQUISITION OF LANDS FOR PERMANENT MILITARY INSTALLATIONS

## RCW SECTIONS

37.16.180 Jurisdiction ceded.

## NOTES:

**Reviser's note:** Chapter 4, Laws of 1917, herein codified as chapter 37.16 RCW, is discussed in *State ex*

*rel. Board of Commissioners v. Clausen*, 95 Wash. 214, 163 Pac. 744 (1917), where it is considered in conjunction with 1917 c 3, a special act authorizing (and directing) Pierce county to **condemn property** and issue bonds in payment of awards therefor in order to secure the location of Camp (now Fort) Lewis in that county. In prior compilations, Remington omitted 1917 c 4, and Pierce omitted all but section 22, ceding the state's jurisdiction to the United States. 1917 c 4 appears to have been a general act and for that reason was codified herein. Most of the sections in this chapter were subsequently repealed by 1971 c 76 § 6.

Appropriation authorized in aid of federal or state improvement: RCW 8.08.090.

**Condemnation** for military purposes: RCW 8.04.170, 8.04.180.

Eminent domain by counties: Chapter 8.08 RCW.

Joint armory sites: RCW 36.64.050.

Lease or conveyance to the state or to United States for military, housing and other purposes: RCW 36.34.250.

Leases to United States for national defense: RCW 79.13.090.

Long term leases to United States by counties: RCW 36.34.310.

Tidelands and shorelands grants to United States: RCW 79.125.760 through 79.125.790.

Transfer of **property** to state or United States for military purposes or housing projects: RCW 36.34.260.

#### **RCW 43.21A.614**

##### **Steam electric generating plant -- Powers of director in constructing, operating and maintaining.**

In order to construct, operate and maintain the single steam power electric generating plant provided for in RCW 43.21A.610 the director shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, **condemn**, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate such steam electric power plant, work and facilities for the generation and/or transmission of electric energy and to take, **condemn**, purchase, lease and acquire any real or personal, public or private **property**, franchise and **property** rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of such work, plant and facilities; providing that the director shall not be authorized to acquire by **condemnation** any plant, work and facility owned and operated by any city or district, or by a privately owned public utility.

(3) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(4) To establish rates for electric energy sold or transmitted by the director. When any revenue bonds or warrants are outstanding the director shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy furnished or supplied by the director which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the director is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the director and all necessary repairs, replacements and renewals thereof.

(5) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the director may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the director shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the director.

[1988 c 127 § 12; 1965 c 8 § 43.21.270. Prior: 1957 c 275 § 5. Formerly RCW 43.21.270.]

#### **RCW 43.21A.616**

##### **Steam electric generating plant -- Eminent domain.**

For the purpose of carrying out any or all of the powers herein granted the director shall have the power of eminent domain for the acquisition of either real or personal **property** used or useful in connection with the construction of facilities authorized hereunder. Actions in eminent domain pursuant to RCW 43.21A.610 through 43.21A.642 shall be brought in the name of the state in any court of competent jurisdiction under the procedure set out in chapter 8.04 RCW. The director may institute **condemnation** proceedings in the superior court of any county in which any of the **property** sought to be **condemned** is located or in which the owner thereof does business, and the court in any such action shall have jurisdiction to **condemn property** wherever located within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such **property** in said proceedings. Upon the filing of a petition for **condemnation**, as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal **property** sought to be acquired by the proceedings during the pendency thereof. The court shall further have the power to issue such orders or process as shall be necessary to place the director into possession of any **property condemned**.

[1988 c 127 § 13; 1965 c 8 § 43.21.280. Prior: 1957 c 275 § 6. Formerly RCW 43.21.280.]

#### **RCW 43.52.300**

##### **Powers and duties of an operating agency.**

An operating agency formed under RCW 43.52.360 shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, **condemn**, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate plants, works and facilities for the generation and/or transmission of electric energy, either within or without the state of Washington, and to take, **condemn**, purchase, lease and

acquire any real or personal, public or private **property**, franchise and **property** rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of any such works, plants and facilities; provided that an operating agency shall not be authorized to acquire by **condemnation** any plants, works and facilities owned and operated by any city or district, or by a privately owned public utility. An operating agency shall be authorized to contract for and to acquire by lease or purchase from the United States or any of its agencies, any plants, works or facilities for the generation and transmission of electricity and any real or personal **property** necessary or convenient for use in connection therewith.

(3) To negotiate and enter into contracts with the United States or any of its agencies, with any state or its agencies, with Canada or its agencies or with any district or city of this state, for the lease, purchase, construction, extension, betterment, acquisition, operation and maintenance of all or any part of any electric generating and transmission plants and reservoirs, works and facilities or rights necessary thereto, either within or without the state of Washington, and for the marketing of the energy produced therefrom. Such negotiations or contracts shall be carried on and concluded with due regard to the position and laws of the United States in respect to international agreements.

(4) To negotiate and enter into contracts for the purchase, sale, exchange, transmission or use of electric energy or falling water with any person, firm or corporation, including political subdivisions and agencies of any state of Canada, or of the United States, at fair and nondiscriminating rates.

(5) To apply to the appropriate agencies of the state of Washington, the United States or any thereof, and to Canada and/or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate works, plants and facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(6) To establish rates for electric energy sold or transmitted by the operating agency. When any revenue bonds or warrants are outstanding the operating agency shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy, falling water and other services sold, furnished or supplied by the operating agency which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the operating agency is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the operating agency and all necessary repairs, replacements and renewals thereof.

(7) To act as agent for the purchase and sale at wholesale of electricity for any city or district whenever requested so to do by such city or district.

(8) To contract for and to construct, operate and maintain fishways, fish protective devices and facilities and hatcheries as necessary to preserve or compensate for projects operated by the operating agency.

(9) To construct, operate and maintain channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities as may be necessary or incidental to the construction of any electric generating project, and to enter into agreements and contracts with any person, firm or corporation, including political subdivisions of any state, of Canada or the United States for such construction, operation and maintenance, and for the distribution and payment of the costs thereof.

(10) To employ legal, engineering and other professional services and fix the compensation of a



managing director and such other employees as the operating agency may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the operating agency shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the operating agency.

(11) To study, analyze and make reports concerning the development, utilization and integration of electric generating facilities and requirements within the state and without the state in that region which affects the electric resources of the state.

(12) To acquire any land bearing coal, uranium, geothermal, or other energy resources, within or without the state, or any rights therein, for the purpose of assuring a long-term, adequate supply of coal, uranium, geothermal, or other energy resources to supply its needs, both actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale, or disposal of such energy resources that it deems proper.

[1977 ex.s. c 184 § 4; 1975 1st ex.s. c 37 § 1; 1965 c 8 § 43.52.300. Prior: 1955 c 258 § 1; 1953 c 281 § 5.]

---

### **RCW 43.52.391**

#### **Powers and duties of operating agency.**

Except as otherwise provided in this section, a joint operating agency shall have all powers now or hereafter granted public utility districts under the laws of this state. It shall not acquire nor operate any electric distribution properties nor **condemn** any properties owned by a public utility which are operated for the generation and transmission of electric power and energy or are being developed for such purposes with due diligence under a valid license or permit, nor purchase or acquire any operating hydroelectric generating plant owned by any city or district on June 11, 1953, or which may be acquired by any city or district by **condemnation** on or after January 1, 1957, nor levy taxes, issue general obligation bonds, or create subdistricts. It may enter into any contracts, leases or other undertakings deemed necessary or proper and acquire by purchase or **condemnation** any real or personal **property** used or useful for its corporate purposes. Actions in eminent domain may be instituted in the superior court of any county in which any of the **property** sought to be **condemned** is located and the court in any such action shall have jurisdiction to **condemn property** wherever located within the state; otherwise such actions shall be governed by the same procedure as now or hereafter provided by law for public utility districts. An operating agency may sell steam or water not required by it for the generation of power and may construct or acquire any facilities it deems necessary for that purpose.

An operating agency may make contracts for any term relating to the purchase, sale, interchange or wheeling of power with the government of the United States or any agency thereof and with any municipal corporation or public utility, within or without the state, and may purchase or deliver power anywhere pursuant to any such contract. An operating agency may acquire any coal-bearing lands for the purpose of assuring a long-term, adequate supply of coal to supply its needs, both actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale or disposal of coal that it deems proper.

Any member of an operating agency may advance or contribute funds to an agency as may be agreed upon by the agency and the member, and the agency shall repay such advances or contributions from proceeds of revenue bonds, from operating revenues or from any other funds of the agency, together with interest not to exceed the maximum specified in RCW 43.52.395(1). The legislative body of any member may authorize and make such advances or contributions to an operating agency to assist in a plan for termination of a project or projects, whether or not such member is a participant in such project

or projects. Any member who makes such advances or contributions for terminating a project or projects in which it is not a participant shall not assume any liability for any debts or obligations related to the terminated project or projects on account of such advance or contribution.

[1982 c 1 § 1; 1977 ex.s. c 184 § 8; 1965 c 8 § 43.52.391. Prior: 1957 c 295 § 5.]

## NOTES:

**Severability -- 1982 c 1:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 1 § 3.]

Liability to other taxing districts for increased financial burdens: Chapter 54.36 RCW.

### RCW 43.96B.215

**Bond issue -- Anticipation notes -- Disposition of proceeds -- Acquisition of property by Expo '74 commission authorized.**

At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by RCW 43.96B.200 through 43.96B.245 and any interest earned on the interim investment of such proceeds, shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.96B.200 through 43.96B.245 and for the payment of expenses incurred in the issuance and sale of the bonds. The Expo '74 commission is hereby authorized to acquire **property**, real and personal, by lease, purchase[,], **condemnation** or gift to achieve the objectives of chapters 1, 2, and 3, Laws of 1971 ex. sess., and RCW 43.96B.200 through 43.96B.245. The commission is further directed pursuant to RCW 43.19.450 to utilize the department of general administration services to accomplish the purposes set forth herein.

[1973 1st ex.s. c 116 § 4.]

---

## Chapter 47.12 RCW ACQUISITION AND DISPOSITION OF STATE HIGHWAY PROPERTY

### RCW SECTIONS

47.12.010 Acquisition of **property** authorized -- **Condemnation** actions -- Cost.

47.12.011 Purchase options authorized.

47.12.015 "Reservation boundary" defined.

47.12.023 Acquisition of state lands or interests or rights therein -- Procedures -- Compensation -- Reacquisition by department of natural resources.

47.12.026 Acquisition of state lands or interests or rights therein -- Easements -- Removal of materials -- Relocation of railroad tracks.

- 47.12.029 Acquisition of state lands or interests or rights therein -- Certain purposes prohibited.
- 47.12.040 Acquisition of **property** from a political subdivision.
- 47.12.044 Proceedings to acquire **property** or rights for highway purposes -- Precedence.
- 47.12.050 Work on remaining land as payment.
- 47.12.063 Surplus real **property** program.
- 47.12.064 Affordable housing -- Inventory of suitable **property**.
- 47.12.066 Sale or lease of personal **property** -- Provision of services -- Proceeds.
- 47.12.080 Sale or exchange of unused land.
- 47.12.120 Lease of unused highway land or air space.
- 47.12.125 Lease of unused highway land or air space -- Disposition of proceeds.
- 47.12.140 Severance and sale of timber and other personalty -- Removal of nonmarketable materials.
- 47.12.150 Acquisition, exchange of **property** to relocate displaced facility.
- 47.12.160 Acquisition of land outside highway right of way to minimize damage.
- 47.12.170 Sale, lease of unneeded toll facility, ferry system **property** -- Franchises for utility, railway purposes.
- 47.12.180 Additional financing methods for **property** and engineering costs -- Formal declarations.
- 47.12.190 Additional financing methods for **property** and engineering costs -- Purchase or **condemnation**.
- 47.12.200 Additional financing methods for **property** and engineering costs -- Agreements with state finance committee.
- 47.12.210 Additional financing methods for **property** and engineering costs -- Warrants on motor vehicle fund.
- 47.12.220 Additional financing methods for **property** and engineering costs -- Mandatory, permissive, provisions in agreement.
- 47.12.230 Additional financing methods for **property** and engineering costs -- Warrant form and procedure.
- 47.12.240 Additional financing methods for **property** and engineering costs -- Payment procedure -- Prior charge.
- 47.12.242 "Advance right of way acquisition" defined.
- 47.12.244 Advance right of way revolving fund.
- 47.12.246 Reimbursement to advance right of way revolving fund.
- 47.12.248 Structures acquired in advance of programmed construction -- Maintenance.
- 47.12.250 Acquisition of **property** for preservation, safety, buffer purposes.
- 47.12.260 Acquisition of real **property** subject to local improvement assessments -- Payment.
- 47.12.270 Acquisition of **property** for park and ride lots.
- 47.12.283 Sale of real **property** authorized -- Procedure -- Disposition of proceeds.
- 47.12.287 Exchange of real **property** authorized -- Conveyance by deed.

- 47.12.290 Sale of real **property** -- Execution, acknowledgement, and delivery of deed.
- 47.12.300 Sale of unneeded **property** -- Department of transportation -- Authorized -- Rules.
- 47.12.301 Sale of unneeded **property** -- Department of transportation -- Certification to governor -- Execution, delivery of deed.
- 47.12.302 Department of transportation -- Sale of unneeded **property**.
- 47.12.320 Sale of **property** -- Listing with broker.
- 47.12.330 Advanced environmental mitigation -- Authorized.
- 47.12.340 Advanced environmental mitigation revolving account.
- 47.12.350 Advanced environmental mitigation -- Site management -- Reimbursement of account.
- 47.12.370 Environmental mitigation--Exchange agreements.

#### NOTES:

Acquisition of rights of way, city streets: RCW 47.24.030.

---

#### RCW 47.12.010

##### **Acquisition of property authorized -- Condemnation actions -- Cost.**

Whenever it is necessary to secure any lands or interests in land for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries, or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such **property** and gain access thereto, the department of transportation is authorized to acquire such lands or interests in land in behalf of the state by gift, purchase, or **condemnation**. In case of **condemnation** to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of **property** for the public uses of the state, and in such action the selection of the lands or interests in land by the secretary of transportation shall, in the absence of bad faith, arbitrary, capricious, or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites, and structure sites or other lands are acquired.

[1977 ex.s. c 151 § 46; 1967 c 108 § 4; 1961 c 13 § 47.12.010. Prior: 1937 c 53 § 25, part; RRS § 6400-25, part.]

#### NOTES:

Urban public transportation system defined: RCW 47.04.082.

Right of way donations: Chapter 47.14 RCW.

### RCW 47.12.023

#### Acquisition of state lands or interests or rights therein -- Procedures--Compensation -- Reacquisition by department of natural resources.

(1) Except as provided in RCW 47.12.026 and 47.12.029, whenever it is necessary to secure any lands or interests in lands for any highway purpose mentioned in RCW 47.12.010, or for the construction of any toll facility or ferry terminal or docking facility, the title to which is in the state of Washington and under the jurisdiction of the department of natural resources, the department of transportation may acquire jurisdiction over the lands or interests in lands, or acquire rights to remove materials from the lands in the manner set forth in this section.

(2) At any time after the final adoption of a right of way plan or other plan requiring the acquisition of lands or interests in lands for any purpose as authorized in subsection (1) of this section, the department of transportation may file with the department of natural resources a notice setting forth its intent to acquire jurisdiction of the lands or interests in lands under the jurisdiction of the department of natural resources required for right of way or other highway purposes related to the construction or improvement of such state highway, toll facility, or ferry terminal or docking facility.

(3) The department of transportation at the time of filing its notice of intent as provided in subsection (2) of this section shall file therewith a written statement showing the total amount of just compensation to be paid for the **property** in the event of settlement. The offer shall be based upon the department of transportation approved appraisal of the fair market value of the **property** to be acquired. In no event may the offer of settlement be referred to or used during any arbitration proceeding or trial conducted for the purpose of determining the amount of just compensation.

(4) Just compensation and/or fair market value for the purposes of this section shall be determined in accordance with applicable federal and state constitutional, statutory, and case law relating to the **condemnation** of private and public **property** for public purposes.

(5) If the department of natural resources does not accept the offer of the department of transportation, the department of transportation may nonetheless pay to the department of natural resources the amount of its offer and obtain immediate possession and use of the **property** pending the determination of just compensation in the manner hereinafter provided.

(6) If the amount of just compensation is not agreed to, either the department of natural resources or the department of transportation may request in writing the appointment of an arbitrator for the purpose of determining the amount of compensation to be paid by the department of transportation for the acquisition of jurisdiction over the lands or interests in lands or rights therein. In that event the department of natural resources and the department of transportation may jointly agree on an arbitrator to determine the compensation, and his determination shall be final and conclusive upon both departments. The costs of the arbitrator shall be borne equally by the parties. If the department of natural resources and the department of transportation are unable to agree on the selection of an arbitrator within thirty days after a request therefor is made, either the department of transportation or the department of natural resources may file a petition with the superior court for Thurston county for the purpose of determining the amount of just compensation to be paid. The matter shall be tried by the court pursuant to the procedures set forth in RCW 8.04.080.

(7) Whenever the department of transportation has acquired immediate possession and use of **property** by payment of the amount of its offer to the department of natural resources, and the

arbitration award or judgment of the court for the acquisition exceeds the payment for immediate possession and use, the department of transportation shall forthwith pay the amount of such excess to the department of natural resources with interest thereon from the date it obtained immediate possession. If the arbitration or court award is less than the amount previously paid by the department of transportation for immediate possession and use, the department of natural resources shall forthwith pay the amount of the difference to the department of transportation.

(8) Upon the payment of just compensation, as agreed to by the department of transportation and the department of natural resources, or as determined by arbitration or by judgment of the court, and other costs or fees as provided by statute, the department of natural resources shall cause to be executed and delivered to the department of transportation an instrument transferring jurisdiction over the lands or interests in lands, or rights to remove material from the lands, to the department of transportation.

(9) Except as provided in RCW 47.12.026, whenever the department of transportation ceases to use any lands or interests in lands acquired in the manner set forth in this section for the purposes mentioned herein, the department of natural resources may reacquire jurisdiction over the lands or interests in land by paying the fair market value thereof to the department of transportation. If the two departments are unable to agree on the fair market value of the lands or interests in lands, the market value shall be determined and the interests therein shall be transferred in accordance with the provisions and procedures set forth in subsections (4) through (8) of this section.

[1984 c 7 § 115; 1977 ex.s. c 103 § 1.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

---

#### RCW 47.12.150

##### **Acquisition, exchange of property to relocate displaced facility.**

Whenever the department shall need for highway purposes land or **property** rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such **property** by the state will result in the displacement of any existing right of way or facility, the department is authorized to acquire by **condemnation** or otherwise such lands and **property** rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or **property** rights so acquired in consideration or partial consideration for the land or **property** rights needed for highway purposes. The secretary of transportation shall execute each conveyance, which shall be duly acknowledged, necessary to accomplish such exchange.

[1977 ex.s. c 151 § 53; 1975 1st ex.s. c 96 § 5; 1961 c 13 § 47.12.150. Prior: 1953 c 55 § 1.]

---

#### RCW 47.12.160

##### **Acquisition of land outside highway right of way to minimize damage.**

Whenever a part of a parcel of land is to be acquired for state highway purposes and the remainder lying outside of the right of way is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation concerning severance or other damage, and its value does not exceed the probable amount of the severance claims or damages, the department may acquire by gift, purchase,

or **condemnation** the whole parcel and may sell that portion lying outside of the highway right of way or may exchange the same for other **property** needed for highway purposes. The provisions of this section do not apply if the taking of that portion of the land lying outside of the highway right of way would deprive any adjacent owner of an existing right of ingress and egress to his **property**.

[1984 c 7 § 122; 1961 c 13 § 47.12.160. Prior: 1953 c 131 § 1.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

#### RCW 47.12.180

##### **Additional financing methods for property and engineering costs -- Formal declarations.**

It is declared to be the public policy of the state of Washington to provide for the acquisition of real **property** and engineering costs necessary for the improvement of the state highway system, in advance of actual construction, for the purposes of eliminating costly delays in construction, reducing hardship to owners of the **property**, and eliminating economic waste occasioned by the improvement of such **property** immediately prior to its acquisition for highway uses.

The legislature therefore finds and declares that purchase and **condemnation** of real **property** necessary for the state highway system and engineering costs, reasonably in advance of programmed construction, is a public use and purpose and a highway purpose.

The department is hereby authorized to purchase or **condemn** any real **property** or **property** rights therein which it deems will be necessary for the improvement of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240 or alternatively by the method provided in RCW 47.12.242 through 47.12.246. Neither method may be used to **condemn property** or **property** rights in advance of programmed construction until the department has complied with hearing procedures required for the location or relocation of the type of highway for which the **property** is to be **condemned**.

[1984 c 7 § 123; 1969 ex.s. c 197 § 1; 1961 c 281 § 1.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

**Severability -- 1961 c 281:** "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 281 § 12.]

#### RCW 47.12.190

##### **Additional financing methods for property and engineering costs -- Purchase or condemnation.**

The department, in addition to its other powers and duties as provided by law, is authorized to purchase or **condemn** any real **property** or **property** rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240. **Condemnation** actions brought hereunder shall be brought in the name of the state as

provided for acquiring **property** for the public uses of the state, and in such actions selection of the **property** and **property** rights by the secretary of transportation is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action.

[1977 ex.s. c 151 § 54; 1961 c 281 § 2.]

#### NOTES:

**Severability -- 1961 c 281:** See note following RCW [47.12.180](#).

#### RCW 47.12.200

**Additional financing methods for property and engineering costs -- Agreements with state finance committee.**

The transportation commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or **condemnation**, of real **property** together with engineering costs that the transportation commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project.

[1977 ex.s. c 151 § 55; 1969 ex.s. c 197 § 2; 1961 c 281 § 3.]

#### NOTES:

**Severability -- 1961 c 281:** See note following RCW [47.12.180](#).

#### RCW 47.12.210

**Additional financing methods for property and engineering costs -- Warrants on motor vehicle fund.**

Such an agreement shall provide that the state finance committee shall purchase, at par, warrants drawn upon the motor vehicle fund in payment for the **property** covered by the agreement and the engineering costs necessary for such advance purchase or **condemnation**. Such warrants shall be purchased by the state finance committee, upon the presentation by the holders thereof to the state treasurer, from any moneys available for investment in the state treasury as provided in RCW [43.84.080](#): PROVIDED, That in no event shall more than ten percent of the assets of any fund be used for the purpose of acquiring **property** as authorized herein, except in the case of current state funds in the state treasury, twenty percent of the balance therein available for investment may be invested as provided in RCW [47.12.180](#) through [47.12.240](#).

[1981 c 3 § 38; 1969 ex.s. c 197 § 3; 1961 c 281 § 4.]

#### NOTES:

**Effective dates -- Severability -- 1981 c 3:** See notes following RCW [43.33A.010](#).

**Severability -- 1961 c 281:** See note following RCW [47.12.180](#).

Authorization that certain funds may be invested in motor vehicle fund warrants: RCW [43.84.080](#).



---

**RCW 47.12.248****Structures acquired in advance of programmed construction -- Maintenance.**

Whenever the department purchases or **condemns** any **property** under RCW 47.12.180 through 47.12.240 or 47.12.242 through 47.12.246, the department shall cause any structures so acquired and not removed within a reasonable time to be maintained in good appearance.

[1984 c 7 § 127; 1969 ex.s. c 197 § 10.]

**NOTES:**

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

---

**RCW 47.12.250****Acquisition of property for preservation, safety, buffer purposes.**

The department is authorized to acquire by purchase, lease, **condemnation**, gift, devise, bequest, grant, or exchange, title to or any interests or rights in real **property** adjacent to state highways for the preservation of natural beauty, historic sites or viewpoints or for safety rest areas or to provide a visual or sound buffer between highways and adjacent properties. However, the department shall not acquire, by **condemnation**, less than an owner's entire interest for providing a visual or sound buffer between highways and adjacent properties under RCW 47.12.010 and 47.12.250 if the owner objects to the taking of a lesser interest or right.

[1984 c 7 § 128; 1967 c 108 § 5; 1965 ex.s. c 170 § 62.]

**NOTES:**

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

Roadside areas -- Safety rest areas: Chapter 47.38 RCW.

Scenic and Recreational Highway Act: Chapter 47.39 RCW.

---

**RCW 47.12.270****Acquisition of property for park and ride lots.**

The department may acquire real **property** or interests in real **property** by gift, purchase, lease, or **condemnation** and may construct and maintain thereon fringe and transportation corridor parking facilities to serve motorists transferring to or from urban public transportation vehicles or private car pool vehicles. The department may obtain and exercise options for the purchase of **property** to be used for purposes described in this section. The department shall not expend any funds for acquisition or construction costs of any parking facility to be operated as a part of a transit system by a metropolitan municipal corporation unless the facility has been approved by the department in advance of its acquisition or construction.

[1984 c 7 § 129; 1973 2nd ex.s. c 18 § 1.]

**NOTES:**

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

---

**Chapter 47.20 RCW**  
**MISCELLANEOUS PROJECTS**

**RCW SECTIONS**

- 47.20.570 Manette bridge authorized.
- 47.20.580 Washington State University highway authorized.
- 47.20.590 University of Washington approach authorized.
- 47.20.600 Washington State University highway, University of Washington approach -- Acquisition of **property**.
- 47.20.605 Washington State University highway, University of Washington approach -- Public use.
- 47.20.610 Washington State University highway, University of Washington approach -- **Condemnation**.
- 47.20.620 Washington State University highway, University of Washington approach -- Measure of damage to buildings.
- 47.20.630 Washington State University highway, University of Washington approach -- Sale of buildings, personalty, acquired in acquisition of land.
- 47.20.635 University of Washington approach -- Ordinance requisite -- Construction and maintenance.
- 47.20.640 Reestablishment and redesignation of intersections when highway relocated.
- 47.20.645 Interstate 90 corridor -- Legislative finding.
- 47.20.647 Interstate 90 corridor -- Withdrawal of local governments from project -- Effect on use of state funds.
- 47.20.653 Interstate 90 corridor -- Court proceedings, priority.
- 47.20.700 State route No. 504 (Spirit Lake Memorial Highway) -- Extension and parking facilities.
- 47.20.710 Quinault Tribal Highway -- Agreement authorized -- Route.
- 47.20.715 Quinault Tribal Highway -- Maintenance, operation, improvements -- Intersections, access.
- 47.20.720 Quinault Tribal Highway -- Certain portion as limited access.
- 47.20.725 Quinault Tribal Highway -- Acquisition of remaining right of way.
- 47.20.730 Quinault Tribal Highway -- Department as agent.
- 47.20.735 Quinault Tribal Highway -- Authority to seek federal funding.
- 47.20.780 Design-build -- Competitive bidding.
- 47.20.785 Design-build -- Qualified projects.
- 47.20.900 Severability -- 1975 1st ex.s. c 272.

---

**RCW 47.20.600**

**Washington State University highway, University of Washington approach -- Acquisition of property.**

The department is hereby authorized and directed in the name of the state of Washington to acquire by purchase, gift, or **condemnation**, any and all private real estate, rights, and interests necessary to locate, construct, and maintain the Washington State University highway and the University of Washington approach provided for herein.

[1984 c 7 § 143; 1961 c 13 § 47.20.600. Prior: 1945 c 27 § 3; Rem. Supp. 1945 § 6402-42.]

**NOTES:**

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

**RCW 47.20.610**

**Washington State University highway, University of Washington approach -- Condemnation.**

In case of **condemnation** to secure any real estate, rights, or interests authorized under this chapter, the court actions shall be brought in the name of the state of Washington in the respective counties in which the real estate is located and in the manner provided by law for acquiring **property** for public uses for the state. In such actions the selection of the real estate, rights, and interests by the department is, in the absence of bad faith, arbitrary, capricious, or fraudulent action, conclusive upon the court and judge before which the action is brought that the real estate, rights, and interests are necessary for public use for the purposes sought.

[1984 c 7 § 145; 1961 c 13 § 47.20.610. Prior: 1945 c 27 § 5; Rem. Supp. 1945 § 6402-44.]

**NOTES:**

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

**RCW 47.28.026**

**Description and plan of new or limited access highway -- Buildings and improvements prohibited, when.**

(1) No owner or occupier of lands, buildings, or improvements may erect any buildings or make any improvements within the limits of any such highway, the location, width, and lines of which have been established and recorded as provided in RCW 47.28.025. If any such erection and improvements are made, no allowances may be had therefor by the assessment of damages. No permits for improvements within the limits may be issued by any authority. The establishment of any highway location as set forth in RCW 47.28.025 is ineffective after one year from the filing thereof if no action to **condemn** or acquire the **property** within the limits has been commenced within that time.

(2) Unless and until the department causes a plan of a proposed new highway or limited access facility to be recorded in the office of the county auditor as authorized in RCW 47.28.025, nothing contained in RCW 47.28.025 or 47.28.026 may be deemed to restrict or restrain in any manner the improvement, development, or other use by owners or occupiers of lands, buildings, or improvements within the limits of any proposed new or limited access highway or any proposed relocated or widened highway. Because of the uncertainties of federal aid and the state level of funding of proposed construction or improvement of state highways, plans for such improvements approved by the department shall be deemed tentative until filed with the county auditor as authorized in RCW 47.28.025 or until the department commences action to **condemn** or otherwise acquire the right of way for the

highway improvements.

[1984 c 7 § 166; 1977 ex.s. c 225 § 2; 1961 c 13 § 47.28.026. Prior: 1955 c 161 § 2.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

#### RCW 47.41.040

##### Screening or removal of junkyard.

Before July 1, 1971, the department shall determine whether or not the topography of the land adjoining the highway will permit adequate screening of any junkyard lawfully in existence located outside of a zoned industrial area or an unzoned industrial area as defined under RCW 47.41.030 on August 9, 1971, that is within one thousand feet of the nearest edge of the right of way and visible from the main traveled way of any highway on the interstate and primary system and whether screening of the junkyard would be economically feasible. Within thirty days thereafter the department shall notify by certified mail the record owner of the land upon which the junkyard is located, or the operator thereof, of its determination.

If it is economically feasible to screen the junkyard, the department shall screen the junkyard so that it will not be visible from the main-traveled way of the highway. The department is authorized to acquire by gift, purchase, exchange, or **condemnation** such lands or interest in lands as may be required for these purposes.

If it is not economically feasible to screen the junkyard, the department shall acquire by purchase, gift, or **condemnation** an interest in the real **property** used for junkyard purposes that is visible from the main traveled way of the highway, restricting any owner of the remaining interest to use of the real estate for purposes other than a junkyard. In addition to compensation for the real **property** interest, the operator of a junkyard shall receive the actual reasonable expenses in moving his business personal **property** to a location within the same general area where a junkyard may be lawfully established, operated, and maintained. This section shall be interpreted as being in addition to all other rights and remedies of a junkyard owner or operator and shall not be interpreted as a limitation on or alteration of the law of compensation in eminent domain.

[1984 c 7 § 218; 1971 ex.s. c 101 § 4.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

#### RCW 47.52.050

##### Acquisition of property.

(1) For the purpose of this chapter the highway authorities of the state, counties and incorporated cities and towns, respectively, or in cooperation one with the other, may acquire private or public **property** and **property** rights for limited access facilities and service roads, including rights of access, air, view and light, by gift, devise, purchase, or **condemnation**, in the same manner as such authorities are now or hereafter may be authorized by law to acquire **property** or **property** rights in connection with highways

and streets within their respective jurisdictions. Except as otherwise provided in subsection (2) of this section all **property** rights acquired under the provisions of this chapter shall be in fee simple. In the acquisition of **property** or **property** rights for any limited access facility or portion thereof, or for any service road in connection therewith, the state, county, incorporated city and town authority may, in its discretion, acquire an entire lot, block or tract of land, if by so doing the interest of the public will be best served, even though said entire lot, block or tract is not immediately needed for the limited access facility.

(2) The highway authorities of the state, counties, and incorporated cities and towns may acquire by gift, devise, purchase, or **condemnation** a three dimensional air space corridor in fee simple over or below the surface of the ground, together with such other **property** in fee simple and other **property** rights as are needed for the construction and operation of a limited access highway facility, but only if the acquiring authority finds that the proposal will not:

(a) impair traffic safety on the highway or interfere with the free flow of traffic; or

(b) permit occupancy or use of the air space above or below the highway which is hazardous to the operation of the highway.

[1971 ex.s. c 39 § 1; 1961 c 13 § 47.52.050. Prior: 1947 c 202 § 4; Rem. Supp. 1947 § 6402-63.]

#### NOTES:

Award of costs in air space corridor acquisitions: RCW 8.25.073.

Right of way donations: Chapter 47.14 RCW.

---

#### RCW 47.52.080

##### **Abutter's right of access protected -- Compensation.**

No existing public highway, road, or street shall be constructed as a limited access facility except upon the waiver, purchase, or **condemnation** of the abutting owner's right of access thereto as herein provided. In cases involving existing highways, if the abutting **property** is used for business at the time the notice is given as provided in RCW 47.52.133, the owner of such **property** shall be entitled to compensation for the loss of adequate ingress to or egress from such **property** as business **property** in its existing condition at the time of the notice provided in RCW 47.52.133 as for the taking or damaging of **property** for public use.

[1983 c 3 § 127; 1961 c 13 § 47.52.080. Prior: 1955 c 54 § 2; 1951 c 167 § 11; 1947 c 202 § 7; Rem. Supp. 1947 § 6402-66.]

---

#### RCW 47.52.105

##### **Acquisition and construction to preserve limited access or reduce required compensation.**

Whenever, in the opinion of the department, frontage or service roads in connection with limited access facilities are not feasible either from an engineering or economic standpoint, the department may acquire private or public **property** by purchase or **condemnation** and construct any road, street, or highway connecting to or leading into any other road, street, or highway, when by so doing, it will preserve a limited access facility or reduce compensation required to be paid to an owner by reason of reduction in or loss of access. The department shall provide by agreement with a majority of the legislative authority of the county or city concerned as to location, future maintenance, and control of any road, street, or

highway to be so constructed. The road, street, or highway need not be made a part of the state highway system or connected thereto, but may upon completion by the state be turned over to the county or city for location, maintenance, and control pursuant to the agreement as part of the system of county roads or city streets.

[1984 c 7 § 242; 1967 c 117 § 1; 1961 c 13 § 47.52.105. Prior: 1955 c 63 § 1.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

#### RCW 47.56.090

##### **Authority to acquire right of way in constructing a toll bridge.**

The department of transportation is empowered to secure right of way for toll bridges and for approaches thereto by gift or purchase, or by **condemnation** in the manner provided by law for the taking of private **property** for public highway purposes.

[1977 ex.s. c 151 § 69; 1961 c 13 § 47.56.090. Prior: 1937 c 173 § 5; RRS § 6524-5.]

#### RCW 47.56.100

##### **Toll bridges -- Right of way across state highways and political subdivisions -- Compensation.**

The right of way is hereby given, dedicated, and set apart upon which to locate, construct, and maintain bridges or approaches thereto or other highway crossings, and transportation facilities thereof or thereto, through, over, or across any state highways, and through, over, or across the streets, alleys, lanes, and roads within any city, county, or other political subdivision of the state. If any **property** belonging to any city, county, or other political subdivision of the state is required to be taken for the construction of any bridge or approach thereto, or if any such **property** is injured or damaged by such construction, compensation therefor as may be proper or necessary and as agreed upon may be paid by the department to the particular county, city, or other political subdivision of the state owning the **property**, or **condemnation** proceedings may be brought for the determination of the compensation.

[1984 c 7 § 254; 1977 ex.s. c 103 § 4; 1961 c 13 § 47.56.100. Prior: 1937 c 173 § 16; RRS § 6524-16.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

#### RCW 47.56.110

##### **Toll bridges -- Resolution of necessity in acquiring right of way -- Effect of.**

Before the department proceeds with any action to secure a right of way or with construction of any toll bridge under the provisions of this chapter, the commission shall first pass a resolution that public interest and necessity require the acquisition of right of way for and the construction of the toll bridge. The resolution is conclusive evidence (1) of the public necessity of such construction; (2) that the **property** is necessary therefor; and (3) that the proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it

becomes necessary for the department to **condemn** any real estate to be used in connection with any such bridge, the attorney general of the state shall represent the department. In eminent domain proceedings to acquire **property** for any of the purposes of this chapter, any toll bridge, real **property**, personal **property**, franchises, rights, easements, or other **property** or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public, or municipal corporation, county, city, town, district, or any political subdivision of the state, may be **condemned** and taken, and the acquisition and use as provided in this chapter for the same public use or purpose to which the **property** has been so appropriated or dedicated, or for any other public use or purpose, is a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which the **property** has already been appropriated or dedicated. It is not necessary in any eminent domain proceedings under this chapter to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing the **property** sought to be taken and directing such proceedings.

[1984 c 7 § 255; 1961 c 13 § 47.56.110. Prior: 1937 c 173 § 11; RRS § 6524-11.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

---

### Chapter 47.60 RCW PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM

#### RCW SECTIONS

- 47.60.010 Ferry system, toll bridges, and facilities authorized -- Power to contract, sell and lease back.
- 47.60.013 Emergency powers of governor to insure continued operation of ferry and toll bridge system -- Cost reimbursement.
- 47.60.015 "Washington State Ferries" -- Name authorized.
- 47.60.017 State ferry system a public mass transportation system.
- 47.60.020 Eminent domain -- **Condemnation** proceedings.
- 47.60.030 Existing contracts -- Prior negotiations and bids validated.
- 47.60.040 Survey by department.
- 47.60.050 Improvement of facilities -- Financing.
- 47.60.060 Revenue bonds authorized -- Issuance -- Conditions -- Negotiability -- Interim bonds.
- 47.60.080 Determining amount of bonds to be issued.
- 47.60.090 Sale of bonds -- Deposit, disbursement of proceeds.
- 47.60.100 Bonds are legal investment for state moneys.
- 47.60.110 Bondholders may compel performance.
- 47.60.113 Refunding bonds -- Authorization -- Amount -- Interest -- Conditions.
- 47.60.114 Refunding bonds -- Payable from revenues.
- 47.60.115 Refunding bonds -- Disposition -- Laws applicable.

- 47.60.120 Other crossings -- Infringement of existing franchises -- Waivers *(as amended by 2003 c 83)*.
- 47.60.120 Other crossings -- Infringement of existing franchises -- Waivers *(as amended by 2003 c 373)*.
- 47.60.122 Ferries, terminal facilities -- Interim revenue warrants authorized.
- 47.60.124 Revenue refunding bonds to redeem interim warrants.
- 47.60.126 Interim warrants and refunding bonds -- Laws applicable.
- 47.60.130 Unit or combined operation -- Continuous project -- Rental, charter, lease of system **property** -- Sale of unneeded **property**.
- 47.60.135 Charter of state ferries--Hazardous materials.
- 47.60.140 System as self-liquidating undertaking -- Powers of department -- Concessions.
- 47.60.145 Historic ferries -- Acquisition by qualified persons or organizations.
- 47.60.150 Fixing of charges -- Deposit of revenues.
- 47.60.170 Ferries revolving fund -- Deposit of excess funds.
- 47.60.200 Consent to liability not general liability of state.
- 47.60.210 Seamen may sue for injuries -- Venue.
- 47.60.220 Department as common carrier -- Rights and liabilities.
- 47.60.230 Liability for damages as to persons or **property**.
- 47.60.240 Liability to persons other than shippers or passengers -- Limitation.
- 47.60.250 Claim for damages -- Filing -- Contents -- Time limitations.
- 47.60.260 Payment of claims.
- 47.60.270 Venue of actions -- Enforcement of judgment.
- 47.60.275 Local law enforcement officers on ferries and terminals.
- 47.60.277 "No Smoking" areas on state ferries -- Establishment directed.
- 47.60.280 Ferry service -- Lummi Island to Orcas Island -- Limitation on operation.
- 47.60.282 Ferry service between Port Townsend and Keystone -- Operation authorized, when.
- 47.60.283 Ferry service between Port Townsend and Keystone -- Purpose.
- 47.60.290 State ferries -- Review of tariffs and charges.
- 47.60.300 State ferries -- Scope of review -- Periodic reviews required.
- 47.60.310 State ferries -- Local expressions -- Ferry advisory committees.
- 47.60.326 Schedule of charges for state ferries -- Review by department, factors considered -- Rule making by commission.
- 47.60.330 Public participation.
- 47.60.400 Refunding bonds authorized, 1961 Act.
- 47.60.420 Additional revenue bonds, refunding bonds, authorized, 1961 Act -- Prior charge against Puget Sound capital construction account if ferry system revenues insufficient.
- 47.60.430 Additional revenue bonds, refunding bonds, authorized, 1961 Act -- Agreement to continue



imposition of certain taxes.

- 47.60.440 Additional revenue bonds, refunding bonds, authorized, 1961 Act -- Ferry system a revenue-producing undertaking -- Debt service -- Tolls on ferry system and Hood Canal bridge.
- 47.60.500 Acquisition of additional ferries -- Legislative finding -- Department authority.
- 47.60.505 Puget Sound capital construction account -- Created -- Use.
- 47.60.530 Puget Sound ferry operations account -- Created -- Use.
- 47.60.550 Parking or holding area for ferry patrons in conjunction with municipal off-street parking facilities.
- 47.60.560 General obligation bonds -- Ferries -- Authorized -- Purposes -- Passenger-only vessels -- Issuance, sale, and retirement.
- 47.60.570 Disposition of proceeds from sale of bonds.
- 47.60.580 Bonds -- Terms -- Principal and interest payable from proceeds of state excise taxes on motor vehicle and special fuels.
- 47.60.590 Repayment of bonds -- Fund sources.
- 47.60.600 Bonds -- Powers and duties of state finance committee.
- 47.60.610 Excess repayment funds -- Disposition.
- 47.60.620 Reimbursements and transfers of funds.
- 47.60.630 Bonds legal investment for public funds.
- 47.60.640 Bonds -- Equal charge against revenues from motor vehicle and special fuel excise taxes.
- 47.60.645 Passenger ferry account.
- 47.60.649 Passenger-only ferry service -- Finding.
- 47.60.652 Passenger-only ferry service -- Vessel and terminal acquisition, procurement, and construction.
- 47.60.654 Passenger-only ferry service -- Contingency.
- 47.60.656 Passenger-only ferry service -- Conveyance of vessels authorized.
- 47.60.658 Passenger-only ferry service between Vashon and Seattle.
- 47.60.662 Ferry system collaboration with passenger-only service providers.
- 47.60.680 Prequalification of contractors required.
- 47.60.690 Qualifications of contractor -- Rules to assure.
- 47.60.700 Application for prequalification -- Form.
- 47.60.710 Department authority to obtain information.
- 47.60.720 Additional investigation -- Terms of prequalification -- Notice of nonqualification.
- 47.60.730 Renewal of prequalification -- Nonrenewal or revocation, notice.
- 47.60.740 Rejection of bid despite prequalification -- Unqualified bidder.
- 47.60.750 Appeal of refusal, modification, or revocation of prequalification.
- 47.60.760 Financial information regarding qualifying not public.

- 47.60.770 Jumbo ferry construction -- Notice.
- 47.60.772 Jumbo ferry construction -- Bidding documents.
- 47.60.774 Jumbo ferry construction -- Procedure on conclusion of evaluation.
- 47.60.776 Jumbo ferry construction -- Contract.
- 47.60.778 Jumbo ferry construction -- Bid deposits -- Low bidder claiming error.
- 47.60.780 Jumbo ferry construction--Propulsion system acquisition.
- 47.60.800 General obligation bonds -- 1992 issue -- Purpose -- Issuance and sale.
- 47.60.802 Bonds -- 1992 issue -- Supervision of sale by state finance committee -- Option of short-term obligations.
- 47.60.804 Bonds -- 1992 issue -- Use of proceeds.
- 47.60.806 Bonds -- 1992 issue -- Payment of principal and interest from pledged excise taxes.
- 47.60.808 Bonds -- 1992 issue -- Payment from ferry bond retirement fund.
- 47.60.810 Design-build ferries -- Authorized -- Phases defined.
- 47.60.812 Design-build ferries -- Notice of request for proposals.
- 47.60.814 Design-build ferries -- Issuance of request for proposals.
- 47.60.816 Design-build ferries -- Phase one.
- 47.60.818 Design-build ferries -- Phase two.
- 47.60.820 Design-build ferries -- Phase three.
- 47.60.822 Design-build ferries -- Notice to proposers not selected -- Appeal.

## NOTES:

Bridges across navigable waters: RCW 79.110.110 through 79.110.140.

Credit permits for vehicular passage: RCW 47.56.247, 47.56.248.

Sale, lease of unneeded toll facility, ferry system **property** -- Franchises for utility, railway purposes: RCW 47.56.253 through 47.56.257.

Traffic violations and unlawful acts on toll facility or ferry: RCW 46.61.690.

---

## RCW 47.60.020

### **Eminent domain -- Condemnation proceedings.**

For the purpose of carrying out any or all of the powers granted in this chapter, the department has the power of eminent domain for the acquisition of either real or personal **property**, used or useful for the Puget Sound ferry system. **Condemnation** pursuant to this chapter shall be the procedure set out in chapter 8.04 RCW. The department may institute **condemnation** proceedings in the superior court of any county or other court of competent jurisdiction in which any of the **property** sought to be **condemned** is located or in which the owner of any thereof does business, and the court in any such action has jurisdiction to **condemn property** wherever located within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of

any such **property** in the proceedings. It is the intention of this section to permit the consolidation in one action of all **condemnation** proceedings necessary to acquire a ferry system and every type of **property** incident thereto, irrespective of its location within the state or diversity of ownership. Upon the filing of a petition for **condemnation** as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal **property** sought to be acquired by the proceeding during the pendency thereof. The court further has the power to issue such orders or process as are necessary to place the department into possession of any **property condemned**.

[1984 c 7 § 298; 1961 c 13 § 47.60.020. Prior: 1949 c 179 § 2; Rem. Supp. 1949 § 6584-31.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

### RCW 47.68.100

#### Acquisition and disposal of airports, facilities, etc.

The department is authorized on behalf of and in the name of the state, out of appropriations and other moneys made available for such purposes, to plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police airports, air navigation facilities, and air markers and/or air marking systems, either within or without the state, including the construction, installation, equipment, maintenance, and operation at the airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers. For such purposes the department may by purchase, gift, devise, lease, **condemnation**, or otherwise, acquire **property**, real or personal, or any interest therein, including easements or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, marking, or lighting of obstructions or airport hazards, or to prevent the establishment of airport hazards. In like manner the department may acquire existing airports and air navigation facilities. However, it shall not acquire or take over any airport or air navigation facility owned or controlled by a municipality of this or any other state without the consent of the municipality. The department may by sale, lease, or otherwise, dispose of any **property**, airport, air navigation facility, or portion thereof or interest therein. The disposal by sale, lease, or otherwise shall be in accordance with the laws of this state governing the disposition of other **property** of the state, except that in the case of disposals to any municipality or state government or the United States for aeronautical purposes incident thereto, the sale, lease, or other disposal may be effected in such manner and upon such terms as the department deems in the best interest of the state. The department may exercise any powers granted by this section jointly with any municipalities, agencies, or departments of the state government, with other states or their municipalities, or with the United States.

[1984 c 7 § 346; 1947 c 165 § 10; Rem. Supp. 1947 § 10964-90. Formerly RCW 14.04.100.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

### RCW 47.68.120

#### Condemnation, how exercised.

In the **condemnation** of **property** authorized by this chapter, the department shall proceed in the name

of the state in the manner that **property** is acquired by the department for public uses.

[1984 c 7 § 347; 1947 c 165 § 12; Rem. Supp. 1947 § 10964-92. Formerly RCW 14.04.120.]

#### NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

Acquisition of highway **property**: Chapter 47.12 RCW.

Eminent domain by state: Chapter 8.04 RCW.

#### **RCW 47.72.050**

##### **Powers and duties.**

In its capacity as successor to the canal commission, the department of transportation may:

- (1) Adopt rules and regulations necessary to carry out the purposes of this chapter.
- (2) Make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the state of Washington.
- (3) Construct, maintain, and/or operate any navigation canal, or navigation canal systems deemed feasible by the department of transportation.
- (4) Acquire by gift, purchase, or **condemnation** from any person, municipal, public, or private corporation, or the state of Washington, or lease from the United States of America, any lands, rights of way, easements, or **property** rights in, over, or across lands or waters necessary for the construction, operation, or maintenance of any navigation canal, or navigation canal system. The acquisition of such rights is for a public use. The exercise of the right of eminent domain shall be in the manner provided by chapter 8.04 RCW, and all actions initiated thereunder shall be brought in the name of the department of transportation.
- (5) Hold public hearings. Prior to a determination of feasibility for any proposed project, the department shall hold a public hearing so that members of the public may present their views thereon.
- (6) Accept and expend moneys appropriated by the legislature or received from any public or private source, including the federal government, in carrying out the purposes of this chapter.
- (7) Negotiate and cooperate with the United States of America for the purpose of inducing the United States to undertake the construction, operation, or maintenance of any navigation canal, or navigation canal system provided for in this chapter.
- (8) As a local sponsor cooperate, contract, and otherwise fully participate on behalf of the state of Washington with the United States of America, in any study relating to a determination of feasibility of a navigation canal or navigation canal system, and in any project relating to the construction, operation, or maintenance of a navigation canal, or navigation canal system to be undertaken by the United States of America.

The authority granted herein includes, but is not limited to, contributing such moneys to the United States of America as may be required and appropriated for that purpose by the legislature and furnishing

without cost to the United States of America all lands, easements, and rights of way, performing all necessary alterations to utilities arising from any project, and holding the United States of America free from any claims for damages arising out of the construction of any project.

[1977 ex.s. c 151 § 75; 1965 ex.s. c 123 § 5. Formerly RCW 91.12.050.]

## **RCW 47.79.050**

### **Facility acquisition and management.**

Subject to appropriation, the department is authorized to acquire by purchase, lease, **condemnation**, gift, devise, bequest, grant, or exchange, title to or any interests or rights in real **property** adjacent to or used in association with state intercity passenger rail service which may include, but are not limited to, depots, platforms, parking areas, and maintenance facilities. The department is authorized to contract with a public or private entity for the operation, maintenance, and/or management of these facilities.

[1999 c 253 § 1.]

## **RCW 47.79.120**

### **King Street station -- Acquisition.**

The department may acquire, or contract to acquire, by purchase, lease, option to lease or purchase, **condemnation**, gift, devise, bequest, grant, or exchange of title, the King Street railroad station depot located in Seattle, or any interests or rights in it, and other real **property** and improvements adjacent to, or used in association with, the King Street railroad station depot. The **property** may include, but not be limited to, the depot, platforms, parking areas, pedestrian and vehicle access areas, and maintenance facilities. These properties, in the aggregate, will be known as the King Street railroad station.

[2001 c 62 § 2.]

### **NOTES:**

**Effective date -- 2001 c 62:** See note following RCW 47.79.110.

## **Chapter 52.12 RCW POWERS -- BURNING PERMITS**

### **RCW SECTIONS**

52.12.011 Status.

52.12.021 General powers.

52.12.031 Specific powers -- Acquisition or lease of **property** or equipment -- Contracts -- Association of districts -- Group life insurance -- Building inspections -- Fire investigations.

52.12.036 Community revitalization financing -- Public improvements.

52.12.041 Eminent domain.

52.12.051 **Condemnation** proceedings.

- 52.12.061 Contracts, promissory notes, deeds of trust, and mortgages for purchase of **property** -- Limit on indebtedness -- Election, when.
- 52.12.071 Liability insurance for officials and employees.
- 52.12.101 Burning permits authorized -- Resolution.
- 52.12.102 Burning permits -- Resolution to be published and posted.
- 52.12.103 Burning permits -- Issuance -- Contents.
- 52.12.104 Burning permits -- Duties of permittee.
- 52.12.105 Burning permits -- Penalty.
- 52.12.106 Burning permits -- Penalty.
- 52.12.108 Burning permits -- Liability for fire suppression costs.
- 52.12.111 Use of equipment and personnel beyond district boundaries -- Governmental function.
- 52.12.121 Use of equipment and personnel outside district -- Duty of fire fighter deemed duty for district -- Benefits not impaired.
- 52.12.125 Reimbursement for fire suppression costs on state lands -- Limitations.
- 52.12.131 Emergency medical services -- Establishment and collection of charges.
- 52.12.135 Interlocal agreements for ambulance services.
- 52.12.140 Hazardous materials response teams.
- 52.12.150 Setting fires for fire fighter instruction -- When burning permit not required -- Notice, inspection required.

## NOTES:

Association of fire commissioners to furnish information to legislature and governor: RCW 44.04.170.

---

### RCW 52.12.051

#### Condemnation proceedings.

A fire protection district may unite in a single action, proceedings to **condemn property** which is held by separate owners. Two or more **condemnation** suits instituted separately may also, in the discretion of the court, upon a motion of an interested party, be consolidated into a single action. In these cases, the jury shall render separate verdicts for each tract of land in different ownership. A finding of the jury or decree of the court as to damages shall not in any manner be construed to abridge or destroy the right of the district to levy and collect taxes for district purposes against the uncondemned land situated within the district. The title acquired by a fire protection district in **condemnation** proceedings shall be the fee simple title or a lesser estate as designated in the decree of appropriation.

[1984 c 230 § 21; 1939 c 34 § 19; RRS § 5654-119. Formerly RCW 52.08.050.]

---

### RCW 53.08.010

#### Acquisition of property -- Levy of assessments.

A port district may acquire by purchase, for cash or on deferred payments for a period not exceeding twenty years, or by **condemnation**, or both, all lands, **property**, **property** rights, leases, or easements

necessary for its purposes and may exercise the right of eminent domain in the acquirement or damaging of all such lands, **property**, and **property** rights, and may levy and collect assessments upon **property** for the payment of all damages and compensation in carrying out its purposes, and such right shall be exercised in the same manner and by the same procedure as provided for cities of the first class insofar as consistent with this title, and in connection therewith the county treasurer shall perform the duties of the treasurers of such cities.

[1983 c 24 § 1; 1955 c 65 § 2. Prior: 1953 c 171 § 1; 1943 c 166 § 2, part; 1921 c 183 § 1, part; 1917 c 125 § 1, part; 1913 c 62 § 4, part; 1911 c 92 § 4, part; Rem. Supp. 1943 § 9692, part.]

## NOTES:

Eminent domain: State Constitution Art. 1 § 16 (Amendment 9).

Eminent domain by cities: Chapter 8.12 RCW.

### RCW 53.25.020

#### Marginal lands -- Further declaration.

It is further found and declared that:

(1) The existence of such marginal lands characterized by any or all of such conditions constitutes a serious and growing menace which is **condemned** as injurious and inimical to the public health, safety, and welfare of the people of the communities in which they exist and of the people of the state.

(2) Such marginal lands present difficulties and handicaps which are beyond remedy and control solely by regulatory processes in the exercise of the police power.

(3) They contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for, crime prevention, correction, prosecution and punishment, the treatment of juvenile delinquency, the preservation of the public health and safety, and the maintaining of adequate police, fire and accident protection and other public services and facilities.

(4) This menace is becoming increasingly direct and substantial in its significance and effect.

(5) The benefits which will result from the remedying of such conditions and the redevelopment of such marginal lands will accrue to all the inhabitants and **property** owners of the communities in which they exist.

(6) Such conditions of marginal lands tend to further obsolescence, deterioration, and disuse because of the lack of incentive to the individual landowner and his inability to improve, modernize, or rehabilitate his **property** while the condition of the neighboring properties remains unchanged.

(7) As a consequence the process of deterioration of such marginal lands frequently cannot be halted or corrected except by redeveloping the entire area, or substantial portions of it.

(8) Such conditions of marginal lands are chiefly found in areas subdivided into small parcels, held in divided and widely scattered ownerships, frequently under defective titles, and in many such instances the private assembly of the land areas for redevelopment is so difficult and costly that it is uneconomic and as a practical matter impossible for owners to undertake because of lack of the legal power and excessive costs.

(9) The remedying of such conditions may require the public acquisition at fair prices of adequate areas, the redevelopment of the areas suffering from such conditions under proper supervision, with appropriate planning, and continuing land use.

(10) The development or redevelopment of land, or both, acquired under the authority of this chapter constitute a public use and are governmental functions, and that the sale or leasing of such land after the same has been developed or redeveloped is merely incidental to the accomplishment of the real or fundamental purpose, that is, to remove the condition which caused said **property** to be marginal **property** as in this chapter defined.

[1955 c 73 § 2.]

---

#### **RCW 53.25.040**

#### **Industrial development districts authorized -- Boundaries -- Deletion of land area.**

(1) A port commission may, after a public hearing thereon, of which at least ten days' notice shall be published in a newspaper of general circulation in the port district, create industrial development districts within the district and define the boundaries thereof, if it finds that the creation of the industrial development district is proper and desirable in establishing and developing a system of harbor improvements and industrial development in the port district.

(2) The boundaries of an industrial development district created by subsection (1) of this section may be revised from time to time by resolution of the port commission, to delete land area therefrom, if the land area to be deleted was acquired by the port district with its own funds or by gift or transfer other than pursuant to RCW 53.25.050 or 53.25.060.

As to any land area to be deleted under this subsection that was acquired or improved by the port district with funds obtained through RCW 53.36.100, the port district shall deposit funds equal to the fair market value of the lands and improvements into the fund for future use described in RCW 53.36.100 and such funds shall be thereafter subject to RCW 53.36.100. The fair market value of the land and improvements shall be determined as of the effective date of the port commission action deleting the land from the industrial development district and shall be determined by an average of at least two independent appraisals by professionally designated real estate appraisers as defined in RCW 74.46.020 or licensed real estate brokers. The funds shall be deposited into the fund for future use described in RCW 53.36.100 within ninety days of the effective date of the port commission action deleting the land area from the industrial district. Land areas deleted from an industrial development district under this subsection shall not be further subject to the provisions of this chapter. This subsection shall apply to presently existing and future industrial development districts. Land areas deleted from an industrial development district under this subsection that were included within such district for less than two years, if the port district acquired the land through **condemnation** or as a consequence of threatened **condemnation**, shall be offered for sale, for cash, at the appraised price, to the former owner of the **property** from whom the district obtained title. Such offer shall be made by certified or registered letter to the last known address of the former owner. The letter shall include the appraised price of the **property** and notice that the former owner must respond in writing within thirty days or lose the right to purchase. If this right to purchase is exercised, the sale shall be closed by midnight of the sixtieth day, including nonbusiness days, following close of the thirty-day period.

[1989 c 167 § 1; 1985 c 469 § 53; 1955 c 73 § 4. Prior: 1943 c 166 § 1; 1939 c 45 § 1; Rem. Supp. 1943 § 9709-1; RCW 53.24.010.]





**RCW 53.25.100****Powers as to industrial development districts.**

All port districts wherein industrial development districts have been established are authorized and empowered to acquire by purchase or **condemnation** or both, all lands, **property** and **property** rights necessary for the purpose of the development and improvement of such industrial development district and to exercise the right of eminent domain in the acquirement or damaging of all lands, **property** and **property** rights and the levying and collecting of assessments upon **property** for the payment of all damages and compensation in carrying out the provisions for which said industrial development district has been created; to develop and improve the lands within such industrial development district to make the same suitable and available for industrial uses and purposes; to dredge, bulkhead, fill, grade, and protect such **property**; to provide, maintain, and operate water, light, power and fire protection facilities and services, streets, roads, bridges, highways, waterways, tracks, and rail and water transfer and terminal facilities and other harbor and industrial improvements; to execute leases of such lands or **property** or any part thereof; to establish local improvement districts within such industrial development districts which may, but need not, be coextensive with the boundaries thereof, and to levy special assessments, under the mode of annual installments, over a period not exceeding ten years, on all **property** specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district; to issue local improvement bonds in any such local improvement district; to be repaid by the collection of local improvement assessments; and generally to exercise with respect to and within such industrial development districts all the powers now or hereafter conferred by law upon port districts in counties with a population of one hundred twenty-five thousand or more: PROVIDED, That the exercise of powers hereby authorized and granted shall be in the manner now and hereafter provided by the laws of the state for the exercise of such powers by port districts under the general laws relating thereto insofar as the same shall not be inconsistent with this chapter.

[1991 c 363 § 132; 1955 c 73 § 10. Prior: 1939 c 45 § 6; RRS § 9709-6; RCW 53.24.070.]

**NOTES:**

**Purpose -- Captions not law -- 1991 c 363:** See notes following RCW 2.32.180.

Eminent domain: State Constitution Art. 1 § 16 (Amendment 9); Title 8 RCW.

---

**Chapter 53.34 RCW**  
**TOLL FACILITIES**

**RCW SECTIONS**

53.34.010 Toll bridges, tunnels authorized -- Highway approaches.

53.34.020 Contracts for use of projects -- Regulations -- Controversies.

53.34.030 Revenue bonds and notes -- Authorized -- Purposes -- Sale, maturity, cost.

53.34.040 Revenue bonds and notes -- Resolution -- Security -- Form, interest, payment, etc.

53.34.050 Covenants to safeguard and secure bonds and notes.

53.34.060 Notes.

53.34.070 Bonds and notes payable solely from revenues, etc. -- Adequate rates and charges to be

established.

- 53.34.080 Special funds and accounts -- Disposition.
- 53.34.090 Pledge of moneys, when binding -- When lien attaches.
- 53.34.100 No personal liability on bonds or notes.
- 53.34.110 District may purchase bonds or notes.
- 53.34.120 State not to limit or alter rights of district or impair rights or remedies of bond or note holders.
- 53.34.130 Bonds, notes, obligations not state or district debt -- No ad valorem taxes.
- 53.34.140 Registration of bonds and notes -- Prima facie validity.
- 53.34.150 Bonds and notes as legal investment and security.
- 53.34.160 Projects declared public benefit and governmental function -- Covenant by state with bond and note holders -- Tax exemption.
- 53.34.170 District's power to acquire **property**, rights, etc. -- Gifts -- **Condemnation** -- Contracts by public agencies authorized.
- 53.34.180 Public agencies authorized to contract with district for contribution of money, **property**, services, etc.
- 53.34.190 Bylaws, rules for management, uses, charges -- Penalty for violation.
- 53.34.200 Actions for damages, injuries, death -- Allegation in complaint of presentment of claim.
- 53.34.220 Chapter supplemental to other laws -- Liberal construction.
- 53.34.900 Severability -- 1959 c 236.
- 53.34.910 Chapter controls inconsistent acts.

#### **RCW 53.34.170**

#### **District's power to acquire property, rights, etc. -- Gifts -- Condemnation -- Contracts by public agencies authorized.**

In the acquisition, construction, reconstruction, improvement, extension, or betterment of any project or projects authorized under the provisions of this chapter any port district creating and establishing any such project or projects may have and exercise all of the powers heretofore or hereafter granted to port districts for corporate purposes and, in addition thereto, may acquire by gift or grant, lease, purchase, or **condemnation** any public and private **property**, franchises and **property** rights, including state, county, and school lands and **property**, and littoral and water rights whether or not any such **property** is then devoted to public or quasi public proprietary or governmental use: PROVIDED, That the court shall find that the proposed **condemnation** of any **property** already devoted to a public use is for a higher public use, and may by appropriate contracts with any city, county, or other political subdivision of the state, with the state and any department of the government of the state (hereinafter referred to collectively as public agencies), or with any department, instrumentality or agency of the United States, acquire title to or the use of existing roads, streets, parkways, avenues, or highways or the closing of any roads, streets, parkways, avenues, or highways as may be necessary or convenient to the acquisition, construction, or operation of any such project or projects under such terms and conditions as may be mutually agreed upon. All public agencies are authorized to enter into contracts with port districts for the aforesaid purposes.

[1959 c 236 § 17.]

---

**Title 54 RCW  
PUBLIC UTILITY DISTRICTS**

**Chapters**

- 54.04 General provisions.
- 54.08 Formation -- Dissolution -- Elections.
- 54.12 Commissioners.
- 54.16 Powers.
- 54.20 **Condemnation** proceedings.
- 54.24 Finances.
- 54.28 Privilege taxes.
- 54.32 Consolidation and annexation.
- 54.36 Liability to other taxing districts.
- 54.40 Five commissioner districts.
- 54.44 Nuclear, thermal, electric generating power facilities -- Joint development.
- 54.48 Agreements between electrical public utilities and cooperatives.
- 54.52 Voluntary contributions to assist low-income customers.

**NOTES:**

Acquisition of electrical distribution **property** from public utility district by cities and towns: RCW 35.92.054.

Conversion of overhead electric utility to underground: Chapter 35.96 RCW, RCW 36.88.410 through 36.88.485.

Conveyance of real **property** by public bodies -- Recording: RCW 65.08.095.

Credit card use by local governments: RCW 43.09.2855.

Electric energy, falling waters -- Sale or purchase authorized: RCW 43.52.410.

Hospitalization and medical aid for public employees and dependents -- Premiums, governmental contributions authorized: RCW 41.04.180, 41.04.190.

Joint operating agencies: Chapter 43.52 RCW.

Local governmental organizations, actions affecting boundaries, etc., review by boundary review board: Chapter 36.93 RCW.

Municipal corporation may authorize investment of funds which are in custody of county treasurer or other municipal corporation treasurer: RCW 36.29.020.

Municipal utilities: Chapter 35.92 RCW.

Public bodies may retain collection agencies to collect public debts -- Fees: RCW 19.16.500.

Water-sewer districts, disposition of **property** to public utility district: Chapter 57.42 RCW.

---

#### **RCW 54.16.020**

##### **Acquisition of property and rights -- Eminent domain.**

A district may construct, **condemn** and purchase, purchase, acquire, lease, add to, maintain, operate, develop, and regulate all lands, **property**, **property** rights, water, water rights, dams, ditches, flumes, aqueducts, pipes and pipe lines, water power, leases, easements, rights of way, franchises, plants, plant facilities, and systems for generating electric energy by water power, steam, or other methods; plants, plant facilities, and systems for developing, conserving, and distributing water for domestic use and irrigation; buildings, structures, poles and pole lines, and cables and conduits and any and all other facilities; and may exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of such **property** and rights, or **property** of any kind appurtenant thereto, and for the purpose of acquiring the right to make physical connection with plants and plant facilities of all persons and municipalities. The right of eminent domain shall be exercised pursuant to resolution of the commission and conducted in the same manner and by the same procedure as is provided for the exercise of that power by cities and towns of the state in the acquisition of like **property** and **property** rights. It shall be no defense to a **condemnation** proceeding that a portion of the electric current generated or sold by the district will be applied to private purposes, if the principal uses intended are public: PROVIDED, That no public utility owned by a city or town shall be **condemned**, and none shall be purchased without submission of the question to the voters of the utility district. In a **condemnation** proceeding, the court shall submit to the jury the values placed upon the **property** by the taxing authority for taxation purposes, and in respect to **property**, plants, and facilities of persons using public highways for furnishing public service without franchises, shall consider in determining the value thereof the fact that the **property**, plants, and facilities are subject to be removed from the highways by reason of being so operated without a franchise.

[1955 c 390 § 3. Prior: 1945 c 143 § 1(b); 1931 c 1 § 6(b); Rem. Supp. 1945 § 11610(b).]

#### **NOTES:**

Eminent domain: State Constitution Art. 1 § 16 (Amendment 9).

Eminent domain by cities: Chapter 8.12 RCW.

---

#### **RCW 54.16.040**

##### **Electric energy.**

A district may purchase, within or without its limits, electric current for sale and distribution within or without its limits, and construct, **condemn** and purchase, purchase, acquire, add to, maintain, conduct, and operate works, plants, transmission and distribution lines and facilities for generating electric current, operated either by water power, steam, or other methods, within or without its limits, for the purpose of furnishing the district, and the inhabitants thereof and any other persons, including public and private corporations, within or without its limits, with electric current for all uses, with full and exclusive authority to sell and regulate and control the use, distribution, rates, service, charges, and price thereof, free from the jurisdiction and control of the utilities and transportation commission, in all things, together with the right to purchase, handle, sell, or lease motors, lamps, transformers and all

other kinds of equipment and accessories necessary and convenient for the use, distribution, and sale thereof: PROVIDED, That the commission shall not supply water to a privately owned utility for the production of electric energy, but may supply, directly or indirectly, to an instrumentality of the United States government or any publicly or privately owned public utilities which sell electric energy or water to the public, any amount of electric energy or water under its control, and contracts therefor shall extend over such period of years and contain such terms and conditions for the sale thereof as the commission of the district shall elect; such contract shall only be made pursuant to a resolution of the commission authorizing such contract, which resolution shall be introduced at a meeting of the commission at least ten days prior to the date of the adoption of the resolution: PROVIDED FURTHER, That it shall first make adequate provision for the needs of the district, both actual and prospective.

[1955 c 390 § 5. Prior: 1945 c 143 § 1(d); 1931 c 1 § 6(d); Rem. Supp. 1945 § 11610(d).]

#### NOTES:

Joint operating agency: RCW 43.52.360.

Reduced utility rates for low-income senior citizens and other low-income citizens: RCW 74.38.070.

Right of city or town to acquire electrical distribution **property** from P.U.D.: RCW 35.92.054.

#### RCW 54.16.050

##### Water rights.

A district may take, **condemn** and purchase, purchase and acquire any public and private **property**, franchises and **property** rights, including state, county, and school lands, and **property** and littoral and water rights, for any of the purposes aforesaid, and for railroads, tunnels, pipe lines, aqueducts, transmission lines, and all other facilities necessary or convenient, and, in connection with the construction, maintenance, or operation of any such utilities, may acquire by purchase or **condemnation** and purchase the right to divert, take, retain, and impound and use water from or in any lake or watercourse, public or private, navigable or nonnavigable, or held, owned, or used by the state, or any subdivision thereof, or by any person for any public or private use, or any underflowing water within the state; and the district may erect, within or without its limits, dams or other works across any river or watercourse, or across or at the outlet of any lake, up to and above high water mark; and, for the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing, retaining, and distributing water, or for any other purpose authorized hereunder, the district may occupy and use the beds and shores up to the high water mark of any such lake, river, or watercourse, and acquire by purchase or by **condemnation** and purchase, or otherwise, any water, water rights, easements, or privileges named herein or necessary for any of such purposes, and a district may acquire by purchase, or **condemnation** and purchase, or otherwise, any lands, **property**, or privileges necessary to protect the water supply of the district from pollution: PROVIDED, That should private **property** be necessary for any of its purposes, or for storing water above high water mark, the district may **condemn** and purchase, or purchase and acquire such private **property**.

[1955 c 390 § 6. Prior: 1945 c 143 § 1(e), part; 1931 c 1 § 6(e), part; Rem. Supp. 1945 § 11610(e), part.]

#### NOTES:

Water rights: Title 90 RCW.

#### RCW 54.16.200

### **Joint exercise of powers and joint acquisition of properties.**

Any two or more public utility districts organized under the provisions of the laws of this state shall have the power, by mutual agreement, to exercise jointly all powers granted to each individual district, and in the exercise of such powers shall have the right and power to acquire jointly all or any part of any electric utility properties which, at \*the time of the passage of this act, constitutes an interconnected and physically integrated electric utility system, whether entirely within or partly within and partly without such districts: PROVIDED, That any two or more districts so acting jointly, by mutual agreement, shall not acquire any electric utility distribution properties in any other public utility district without the consent of such district, and shall not exercise jointly the power to **condemn** any privately owned utility **property** or any public utility owned by a municipality, to levy taxes or, to create subdistricts.

[1949 c 227 § 2; Rem. Supp. 1949 § 10459-15.]

### **NOTES:**

**\*Reviser's note:** As to "the time of the passage of this act," the legislative history of chapter 227, Laws of 1949 is as follows: Passed the house March 8, 1949; passed the senate March 7, 1949; approved by the governor March 22, 1949.

Joint operating agency: RCW 43.52.360.

---

### **RCW 54.16.220**

#### **Columbia river hydroelectric projects -- Grant back of easements to former owners.**

Notwithstanding any other provision of law, every public utility district acquiring privately owned lands, real estate or **property** for reservoir purposes of a hydroelectric power project dam on the Columbia river, upon acquisition of title to said lands, whether acquired by purchase or **condemnation**, shall grant back to the former owners of the lands acquired upon their request therefor, whether prior to conveyance of title to the district or within sixty days thereafter, a perpetual easement appurtenant to the adjoining **property** for such occupancy and use and improvement of the acquired lands as will not be detrimental to the operation of the hydroelectric project and not be in violation of the required conditions of the district's Federal Power Commission license for the project: PROVIDED, That said former owners shall not thereafter erect any structure or make any extensive physical change thereon except under a permit issued by the public utility district: PROVIDED FURTHER, That said easement shall include a provision that any shorelands thereunder shall be open to the public, and shall be subject to cancellation upon sixty days notice to the owners by the district that such lands are to be conveyed to another public agency for game or game fish purposes or public recreational use, in which event the owners shall remove any structures they may have erected thereon within a reasonable time without cost to the district. The provisions of this section shall not be applicable with respect to: (1) lands acquired from an owner who does not desire an easement for such occupancy and use; (2) lands acquired from an owner where the entire estate has been acquired; (3) lands acquired for, and reasonably necessary for, project structures (including borrow areas) or for relocation of roads, highways, railroads, other utilities or railroad industrial sites; and (4) lands heretofore acquired or disposed of by sale or lease by a public utility district for whatsoever purpose.

[1965 ex.s. c 118 § 1.]

---

### **RCW 54.24.018**

#### **Acquisition of property -- Adoption of plan -- Bonds or warrants -- Special funds.**

(1) Whenever the commission shall deem it advisable that the public utility district purchase, purchase and **condemn**, acquire, or construct any such public utility, or make any additions or betterments thereto, or extensions thereof, the commission shall provide therefor by resolution, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and specify whether general or utility indebtedness is to be incurred, the amount of such indebtedness, the amount of interest and the time in which all general bonds (if any) shall be paid, not to exceed thirty years. In the event the proposed general indebtedness to be incurred will bring the nonvoter approved indebtedness of the public utility district to an amount exceeding three-fourths of one percent of the value of the taxable **property** of the public utility district, as the term "value of the taxable **property**" is defined in RCW 39.36.015, the proposition of incurring such indebtedness and the proposed plan or system shall be submitted to the qualified electors of said public utility district for their approval or rejection at the next general election held in such public utility district. Elections shall be held as provided in RCW 39.36.050.

Whenever the commission (or a majority of the qualified voters of such public utility district, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a system or plan for any such public utility, as aforesaid, and shall have authorized indebtedness therefor by a three-fifths vote of the qualified voters of such district, voting at said election, general or public utility bonds may be used as hereinafter provided. The principal and interest of such general bonds shall be paid from the revenue of such public utility district after deducting costs of maintenance, operation, and expenses of the public utility district, and any deficit in the payment of principal and interest of said general bonds shall be paid by levying each year a tax upon the taxable **property** within said district sufficient to pay said interest and principal of said bonds, which tax shall be due and collectible as any other tax. Said bonds shall be issued and sold in accordance with chapter 39.46 RCW.

(2) All bonds and warrants issued under the authority of this chapter shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county or city treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys.

(3) When the commission shall not desire to incur a general indebtedness in the purchase, **condemnation** and purchase, acquisition, or construction of any such public utility, or addition or betterment thereto, or extension thereof, it shall have the power to create a special fund or funds for the sole purpose of defraying the cost of such public utility, or addition or betterment thereto, or extension thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount out of, and not exceeding a fixed proportion of, such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell revenue bonds or warrants bearing interest at such rate or rates, payable semiannually, executed in such manner, and payable at such times and places as the commission shall determine, but such bonds or warrants and the interest thereon, shall be payable only out of such special fund or funds. In creating any such special fund or funds, the commission shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenues previously pledged as a fund for the payment of bonds or warrants, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than, in its judgment, will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such bonds or warrants, and interest thereon, issued against any such fund, as herein provided, shall be a valid claim of the owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it. Said bonds and warrants shall be sold in



such manner as the commission shall deem for the best interests of the district. The commission may provide in any contract for the construction and acquisition of a proposed improvement or utility that payment therefor shall be made only in such bonds or warrants at the par value thereof. In all other respects, the issuance of such utility bonds or warrants and payment therefor shall be governed by the public utility laws for cities and towns. The revenue or utility bonds or warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in RCW 39.46.030.

(4) Notwithstanding subsection (3) of this section, any of such revenue bonds and revenue warrants may be issued and sold in accordance with chapter 39.46 RCW.

[1984 c 186 § 45; 1983 c 167 § 146; 1971 c 12 § 1. Prior: 1970 ex.s. c 56 § 77; 1970 ex.s. c 42 § 33; 1969 ex.s. c 232 § 14; 1931 c 1 § 7; RRS § 11611. Formerly RCW 54.24.130 through 54.24.160.]

#### NOTES:

**Purpose -- 1984 c 186:** See note following RCW 39.46.110.

**Liberal construction -- Severability -- 1983 c 167:** See RCW 39.46.010 and note following.

**Purpose -- 1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation -- Saving -- Severability -- 1969 ex.s. c 232:** See notes following RCW 39.52.020.

Municipal utilities: Chapter 35.92 RCW.

---

#### RCW 54.32.040

##### **Right of county-wide utility district to acquire distribution properties.**

Upon the formation of a county-wide public utility district in any county such district shall have the right, in addition to any other right provided by law, to acquire by purchase or **condemnation** any electrical distribution properties in the county from any other public utility district or combination of public utility districts for a period of five years from the time of organization of said public utility district.

[1951 c 272 § 2.]

#### NOTES:

Acquisition of electrical distribution **property** from public utility district by cities and towns: RCW 35.92.054.

---

#### RCW 57.08.005

##### **Powers.**

**\*\*\* CHANGE IN 2007 \*\*\* (SEE 5231-S.SL) \*\*\***

A district shall have the following powers:

- (1) To acquire by purchase or **condemnation**, or both, all lands, **property** and **property** rights, and

all water and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with this title, except that all assessment or reassessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer are imposed upon the county treasurer;

(2) To lease real or personal **property** necessary for its purposes for a term of years for which that leased **property** may reasonably be needed;

(3) To construct, **condemn** and purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer. District waterworks may include facilities which result in combined water supply and electric generation, if the electricity generated thereby is a byproduct of the water supply system. That electricity may be used by the district or sold to any entity authorized by law to use or distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a district may take, **condemn** and purchase, acquire, and retain water from any public or navigable lake, river or watercourse, or any underflowing water, and by means of aqueducts or pipeline conduct the same throughout the district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or **condemnation** such **property** or **property** rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a district to **condemn** electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner;

(4) To purchase and take water from any municipal corporation, private person, or entity. A district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under the terms approved by the board of commissioners;

(5) To construct, **condemn** and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district, the inhabitants thereof, and persons outside the district with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, on-site sanitary sewerage systems, inspection services and maintenance services for private and public on-site systems, point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a district, other facilities, programs, and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater with full authority to regulate the use and operation thereof and the service rates to be charged. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and

scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Sewage facilities may include facilities which result in combined sewage disposal or treatment and electric generation, except that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal or treatment. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and **condemn** and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants within or without the district, and may acquire, by purchase or **condemnation**, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities that result in combined sewage disposal or treatment and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to **condemn** electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(6)(a) To construct, **condemn** and purchase, add to, maintain, and operate systems of drainage for the benefit and use of the district, the inhabitants thereof, and persons outside the district with an adequate system of drainage, including but not limited to facilities and systems for the collection, interception, treatment, and disposal of storm or surface waters, and for the protection, preservation, and rehabilitation of surface and underground waters, and drainage facilities for public highways, streets, and roads, with full authority to regulate the use and operation thereof and, except as provided in (b) of this subsection, the service rates to be charged.

(b) The rate a district may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(c) Drainage facilities may include natural systems. Drainage facilities may include facilities which result in combined drainage facilities and electric generation, except that the electricity generated thereby is a byproduct of the drainage system. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of drainage collection, disposal, and treatment. For such purposes, a district may conduct storm or surface water throughout the district and throughout other political subdivisions within the district, construct and lay drainage pipe and culverts along and upon public highways, roads, and streets, within and without the district, and **condemn** and purchase or acquire land and rights of way necessary for such drainage systems. A district may provide or erect facilities and improvements for the treatment and disposal of storm or surface water within or without the district, and may acquire, by purchase or **condemnation**, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from storm or surface waters. For the purposes of drainage facilities which include facilities that also generate electricity as a byproduct, nothing in this section may be construed to authorize a district to **condemn** electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(7) To construct, **condemn**, acquire, and own buildings and other necessary district facilities;

(8) To compel all **property** owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system under such penalty as the commissioners shall prescribe by resolution. The district may for such purpose enter upon private **property** and connect the private drains or sewers with the district system and the cost thereof shall be charged against the **property** owner and shall be a lien upon **property** served;

(9) Where a district contains within its borders, abuts, or is located adjacent to any lake, stream, ground water as defined by RCW 90.44.035, or other waterway within the state of Washington, to provide for the reduction, minimization, or elimination of pollutants from those waters in accordance with the district's comprehensive plan, and to issue general obligation bonds, revenue bonds, local improvement district bonds, or utility local improvement bonds for the purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters;

(10) Subject to subsection (6) of this section, to fix rates and charges for water, sewer, and drain service supplied and to charge **property** owners seeking to connect to the district's systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that those **property** owners shall bear their equitable share of the cost of the system. For the purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by **property** owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants. The connection charge may include interest charges applied from the date of construction of the system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the **property** owner is seeking to connect. In lieu of requiring the installation of permanent local facilities not planned for construction by the district, a district may permit connection to the water and/or sewer systems through temporary facilities installed at the **property** owner's expense, provided the **property** owner pays a connection charge consistent with the provisions of this chapter and agrees, in the future, to connect to permanent facilities when they are installed; or a district may permit connection to the water and/or sewer systems through temporary facilities and collect from **property** owners so connecting a proportionate share of the estimated cost of future local facilities needed to serve the **property**, as determined by the district. The amount collected, including interest at a rate commensurate with the rate of interest applicable to the district at the time of construction of the temporary facilities, shall be held for contribution to the construction of the permanent local facilities by other developers or the district. The amount collected shall be deemed full satisfaction of the proportionate share of the actual cost of construction of the permanent local facilities. If the permanent local facilities are not constructed within fifteen years of the date of payment, the amount collected, including any accrued interest, shall be returned to the **property** owner, according to the records of the county auditor on the date of return. If the amount collected is returned to the **property** owner, and permanent local facilities capable of serving the **property** are constructed thereafter, the **property** owner at the time of construction of such permanent local facilities shall pay a proportionate share of the cost of such permanent local facilities, in addition to reasonable connection charges and other charges authorized by this section. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Those fees shall be a charge to be included as part of each annual installment, and shall be credited to the

county current expense fund by the county treasurer. Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of **property**.

Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

A water-sewer district shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using water-sewer district employees unless the on-site system is connected by a publicly owned collection system to the water-sewer district's sewerage system, and the on-site system represents the first step in the sewage disposal process.

Except as otherwise provided in RCW 90.03.525, any public entity and public **property**, including the state of Washington and state **property**, shall be subject to rates and charges for sewer, water, storm water control, drainage, and street lighting facilities to the same extent private persons and private **property** are subject to those rates and charges that are imposed by districts. In setting those rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of **property**;

(11) To contract with individuals, associations and corporations, the state of Washington, and the United States;

(12) To employ such persons as are needed to carry out the district's purposes and fix salaries and any bond requirements for those employees;

(13) To contract for the provision of engineering, legal, and other professional services as in the board of commissioner's discretion is necessary in carrying out their duties;

(14) To sue and be sued;

(15) To loan and borrow funds and to issue bonds and instruments evidencing indebtedness under chapter 57.20 RCW and other applicable laws;

(16) To transfer funds, real or personal **property**, **property** interests, or services subject to RCW 57.08.015;

(17) To levy taxes in accordance with this chapter and chapters 57.04 and 57.20 RCW;

(18) To provide for making local improvements and to levy and collect special assessments on **property** benefitted thereby, and for paying for the same or any portion thereof in accordance with chapter 57.16 RCW;

(19) To establish street lighting systems under RCW 57.08.060;

(20) To exercise such other powers as are granted to water-sewer districts by this title or other applicable laws; and

(21) To exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage.

[2004 c 202 § 1; 2003 c 394 § 5; 1999 c 153 § 2; 1997 c 447 § 16; 1996 c 230 § 301.]

#### NOTES:

**Part headings not law -- 1999 c 153:** See note following RCW 57.04.050.

**Finding -- Purpose -- 1997 c 447:** See note following RCW 70.05.074.

**Part headings not law -- Effective date -- 1996 c 230:** See notes following RCW 57.02.001.

#### RCW 59.18.085

#### **Rental of condemned or unlawful dwelling -- Tenant's remedies -- Relocation assistance -- Penalties.**

(1) If a governmental agency responsible for the enforcement of a building, housing, or other appropriate code has notified the landlord that a dwelling is **condemned** or unlawful to occupy due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, a landlord shall not enter into a rental agreement for the dwelling unit until the conditions are corrected.

(2) If a landlord knowingly violates subsection (1) of this section, the tenant shall recover either three months' periodic rent or up to treble the actual damages sustained as a result of the violation, whichever is greater, costs of suit, or arbitration and reasonable attorneys' fees. If the tenant elects to terminate the tenancy as a result of the conditions leading to the posting, or if the appropriate governmental agency requires that the tenant vacate the premises, the tenant also shall recover:

- (a) The entire amount of any deposit prepaid by the tenant; and
- (b) All prepaid rent.

(3)(a) If a governmental agency responsible for the enforcement of a building, housing, or other appropriate code has notified the landlord that a dwelling will be **condemned** or will be unlawful to occupy due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, a landlord, who knew or should have known of the existence of these conditions, shall be required to pay relocation assistance to the displaced tenants except that:

(i) A landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which the **condemnation** or no occupancy order affects one or more dwelling units and directly results from conditions caused by a tenant's or any third party's illegal conduct without the landlord's prior knowledge;

(ii) A landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which the **condemnation** or no occupancy order affects one or more dwelling units and results from conditions arising from a natural disaster such as, but not exclusively, an earthquake, tsunami, wind storm, or hurricane; and

(iii) A landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which a **condemnation** affects one or more dwelling units and the tenant's displacement is a direct result of the acquisition of the **property** by eminent domain.

(b) Relocation assistance provided to displaced tenants under this subsection shall be the greater amount of two thousand dollars per dwelling unit or three times the monthly rent. In addition to relocation assistance, the landlord shall be required to pay to the displaced tenants the entire amount of any deposit prepaid by the tenant and all prepaid rent.

(c) The landlord shall pay relocation assistance and any prepaid deposit and prepaid rent to displaced tenants within seven days of the governmental agency sending notice of the **condemnation**, eviction, or displacement order to the landlord. The landlord shall pay relocation assistance and any prepaid deposit and prepaid rent either by making individual payments by certified check to displaced tenants or by providing a certified check to the governmental agency ordering **condemnation**, eviction, or displacement, for distribution to the displaced tenants. If the landlord fails to complete payment of relocation assistance within the period required under this subsection, the city, town, county, or municipal corporation may advance the cost of the relocation assistance payments to the displaced tenants.

(d) During the period from the date that a governmental agency responsible for the enforcement of a building, housing, or other appropriate code first notifies the landlord of conditions that violate applicable codes, statutes, ordinances, or regulations to the time that relocation assistance payments are paid to eligible tenants, or the conditions leading to the notification are corrected, the landlord may not:

(i) Evict, harass, or intimidate tenants into vacating their units for the purpose of avoiding or diminishing application of this section;

(ii) Reduce services to any tenant; or

(iii) Materially increase or change the obligations of any tenant, including but not limited to any rent increase.

(e) Displaced tenants shall be entitled to recover any relocation assistance, prepaid deposits, and prepaid rent required by (b) of this subsection. In addition, displaced tenants shall be entitled to recover any actual damages sustained by them as a result of the **condemnation**, eviction, or displacement that exceed the amount of relocation assistance that is payable. In any action brought by displaced tenants to recover any payments or damages required or authorized by this subsection (3)(e) or (c) of this subsection that are not paid by the landlord or advanced by the city, town, county, or municipal corporation, the displaced tenants shall also be entitled to recover their costs of suit or arbitration and reasonable attorneys' fees.

(f) If, after sixty days from the date that the city, town, county, or municipal corporation first advanced relocation assistance funds to the displaced tenants, a landlord has failed to repay the amount of relocation assistance advanced by the city, town, county, or municipal corporation under (c) of this subsection, then the city, town, county, or municipal corporation shall assess civil penalties in the amount of fifty dollars per day for each tenant to whom the city, town, county, or municipal corporation has advanced a relocation assistance payment.

(g) In addition to the penalties set forth in (f) of this subsection, interest will accrue on the amount of relocation assistance paid by the city, town, county, or municipal corporation for which the **property**

owner has not reimbursed the city, town, county, or municipal corporation. The rate of interest shall be the maximum legal rate of interest permitted under RCW 19.52.020, commencing thirty days after the date that the city first advanced relocation assistance funds to the displaced tenants.

(h) If the city, town, county, or municipal corporation must initiate legal action in order to recover the amount of relocation assistance payments that it has advanced to low-income tenants, including any interest and penalties under (f) and (g) of this subsection, the city, town, county, or municipal corporation shall be entitled to attorneys' fees and costs arising from its legal action.

(4) The government agency that has notified the landlord that a dwelling will be **condemned** or will be unlawful to occupy shall notify the displaced tenants that they may be entitled to relocation assistance under this section.

(5) No payment received by a displaced tenant under this section may be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of any tax imposed under Title 82 RCW, and the payments shall not be deducted from any amount to which any recipient would otherwise be entitled under Title 74 RCW.

[2005 c 364 § 2; 1989 c 342 § 13.]

#### NOTES:

**Purpose -- 2005 c 364:** "The people of the state of Washington deserve decent, safe, and sanitary housing. Certain tenants in the state of Washington have remained in rental housing that does not meet the state's minimum standards for health and safety because they cannot afford to pay the costs of relocation in advance of occupying new, safe, and habitable housing. In egregious cases, authorities have been forced to **condemn property** when landlords have failed to remedy building code or health code violations after repeated notice, and, as a result, families with limited financial resources have been displaced and left with nowhere to go.

The purpose of this act is to establish a process by which displaced tenants would receive funds for relocation from landlords who fail to provide safe and sanitary housing after due notice of building code or health code violations. It is also the purpose of this act to provide enforcement mechanisms to cities, towns, counties, or municipal corporations including the ability to advance relocation funds to tenants who are displaced as a result of a landlord's failure to remedy building code or health code violations and later to collect the full amounts of these relocation funds, along with interest and penalties, from landlords." [2005 c 364 § 1.]

**Construction -- 2005 c 364:** "The powers and authority conferred by this act are in addition and supplemental to powers or authority conferred by any other law or authority, and nothing contained herein shall be construed to preempt any local ordinance requiring relocation assistance to tenants displaced by a landlord's failure to remedy building code or health code violations." [2005 c 364 § 4.]

---

#### RCW 59.23.020

##### Definitions.

(1) "Mobile home park" means the same as defined in RCW 59.20.030.

(2)(a) The terms "sold" or "sale" for the purposes of this chapter have their ordinary meaning and include: (i) A conveyance, grant, assignment, quitclaim, or transfer of ownership or title to real



**property** and improvements that comprise the mobile home park, or mobile homes, for a valuable consideration; (ii) a contract for the conveyance, grant, assignment, quitclaim, or transfer; (iii) a lease with an option to purchase the real **property** and improvements, or mobile home, or any estate or interest therein; or (iv) other contract under which possession of the **property** is given to the purchaser, or any other person by his or her direction, where title is retained by the vendor as security for the payment of the purchase price. These terms also include any other transfer of the beneficial or equitable interest in the mobile home park such as a transfer of equity stock or other security evidencing ownership that results in a change in majority interest ownership.

(b) The terms "sale" or "sold" do not include: (i) A transfer by gift, devise, or inheritance; (ii) a transfer of a leasehold interest other than of the type described in this subsection; (iii) a cancellation or forfeiture of a vendee's interest in a contract for the sale of the mobile home park; (iv) a deed in lieu of foreclosure of a mortgage; (v) the assumption by a grantee of the balance owing on an obligation that is secured by a mortgage or deed in lieu of forfeiture of the vendee's interest in a contract of sale where no consideration passes otherwise; (vi) the partition of **property** by tenants in common by agreement or as the result of a court decree; (vii) a transfer, conveyance, or assignment of **property** or interest in **property** from one spouse to the other in accordance with the terms of a decree of divorce or dissolution or in fulfillment of a **property** settlement agreement incident thereto; (viii) the assignment or other transfer of a vendor's interest in a contract for the sale of real **property**, even though accompanied by a conveyance of the vendor's interest in the real **property** involved; (ix) transfers by appropriation or decree in **condemnation** proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation; (x) a mortgage or other transfer of an interest in real **property** or mobile home merely to secure a debt, or the assignment thereof; (xi) a transfer or conveyance made under an order of sale by the court in a mortgage or lien foreclosure proceeding or upon execution of a judgment; (xii) a deed in lieu of foreclosure to satisfy a mortgage; (xiii) a conveyance to the federal housing administration or veterans' administration by an authorized mortgagee made under a contract of insurance or guarantee with the federal housing administration or veterans' administration; (xiv) a transfer in compliance with the terms of any lease or contract upon which notice has already been given under this chapter, or where the lease or contract was entered into before July 25, 1993; or (xv) a transfer to a corporation or partnership the majority interest of which is wholly owned by the transferor.

(3) A "qualified tenant organization" means a formal organization of tenants in the park in question, organized for the purpose of purchasing the park, with membership made available to all tenants with the only requirements for membership being: (a) Payment of reasonable dues; and (b) being a tenant in the park.

[1993 c 66 § 4.]

#### NOTES:

**Reviser's note:** Chapter 59.23 RCW was declared invalid in *Manufactured Housing Communities of Washington v. State*, 142 Wash.2d 347 (2000).

---

#### RCW 61.24.100

#### Deficiency judgments -- Foreclosure -- Trustee's sale -- Application of chapter.

(1) Except to the extent permitted in this section for deeds of trust securing commercial loans, a deficiency judgment shall not be obtained on the obligations secured by a deed of trust against any borrower, grantor, or guarantor after a trustee's sale under that deed of trust.

(2)(a) Nothing in this chapter precludes an action against any person liable on the obligations secured by a deed of trust or any guarantor prior to a notice of trustee's sale being given pursuant to this chapter or after the discontinuance of the trustee's sale.

(b) No action under (a) of this subsection precludes the beneficiary from commencing a judicial foreclosure or trustee's sale under the deed of trust after the completion or dismissal of that action.

(3) This chapter does not preclude any one or more of the following after a trustee's sale under a deed of trust securing a commercial loan executed after June 11, 1998:

(a)(i) To the extent the fair value of the **property** sold at the trustee's sale to the beneficiary or an affiliate of the beneficiary is less than the unpaid obligation secured by the deed of trust immediately prior to the trustee's sale, an action for a deficiency judgment against the borrower or grantor, if such person or persons was timely given the notices under RCW 61.24.040, for (A) any decrease in the fair value of the **property** caused by waste to the **property** committed by the borrower or grantor, respectively, after the deed of trust is granted, and (B) the wrongful retention of any rents, insurance proceeds, or **condemnation** awards by the borrower or grantor, respectively, that are otherwise owed to the beneficiary.

(ii) This subsection (3)(a) does not apply to any **property** that is occupied by the borrower as its principal residence as of the date of the trustee's sale;

(b) Any judicial or nonjudicial foreclosures of any other deeds of trust, mortgages, security agreements, or other security interests or liens covering any real or personal **property** granted to secure the obligation that was secured by the deed of trust foreclosed; or

(c) Subject to this section, an action for a deficiency judgment against a guarantor if the guarantor is timely given the notices under RCW 61.24.042.

(4) Any action referred to in subsection (3)(a) and (c) of this section shall be commenced within one year after the date of the trustee's sale, or a later date to which the liable party otherwise agrees in writing with the beneficiary after the notice of foreclosure is given, plus any period during which the action is prohibited by a bankruptcy, insolvency, moratorium, or other similar debtor protection statute. If there occurs more than one trustee's sale under a deed of trust securing a commercial loan or if trustee's sales are made pursuant to two or more deeds of trust securing the same commercial loan, the one-year limitation in this section begins on the date of the last of those trustee's sales.

(5) In any action against a guarantor following a trustee's sale under a deed of trust securing a commercial loan, the guarantor may request the court or other appropriate adjudicator to determine, or the court or other appropriate adjudicator may in its discretion determine, the fair value of the **property** sold at the sale and the deficiency judgment against the guarantor shall be for an amount equal to the sum of the total amount owed to the beneficiary by the guarantor as of the date of the trustee's sale, less the fair value of the **property** sold at the trustee's sale or the sale price paid at the trustee's sale, whichever is greater, plus interest on the amount of the deficiency from the date of the trustee's sale at the rate provided in the guaranty, the deed of trust, or in any other contracts evidencing the debt secured by the deed of trust, as applicable, and any costs, expenses, and fees that are provided for in any contract evidencing the guarantor's liability for such a judgment. If any other security is sold to satisfy the same debt prior to the entry of a deficiency judgment against the guarantor, the fair value of that security, as calculated in the manner applicable to the **property** sold at the trustee's sale, shall be added to the fair value of the **property** sold at the trustee's sale as of the date that additional security is foreclosed. This section is in lieu of any right any guarantor would otherwise have to establish an upset price pursuant to

RCW 61.12.060 prior to a trustee's sale.

(6) A guarantor granting a deed of trust to secure its guaranty of a commercial loan shall be subject to a deficiency judgment following a trustee's sale under that deed of trust only to the extent stated in subsection (3)(a)(i) of this section. If the deed of trust encumbers the guarantor's principal residence, the guarantor shall be entitled to receive an amount up to the homestead exemption set forth in RCW 6.13.030, without regard to the effect of RCW 6.13.080(2), from the bid at the foreclosure or trustee's sale accepted by the sheriff or trustee prior to the application of the bid to the guarantor's obligation.

(7) A beneficiary's acceptance of a deed in lieu of a trustee's sale under a deed of trust securing a commercial loan exonerates the guarantor from any liability for the debt secured thereby except to the extent the guarantor otherwise agrees as part of the deed in lieu transaction.

(8) This chapter does not preclude a beneficiary from foreclosing a deed of trust in the same manner as a real **property** mortgage and this section does not apply to such a foreclosure.

(9) Any contract, note, deed of trust, or guaranty may, by its express language, prohibit the recovery of any portion or all of a deficiency after the **property** encumbered by the deed of trust securing a commercial loan is sold at a trustee's sale.

(10) A trustee's sale under a deed of trust securing a commercial loan does not preclude an action to collect or enforce any obligation of a borrower or guarantor if that obligation, or the substantial equivalent of that obligation, was not secured by the deed of trust.

(11) Unless the guarantor otherwise agrees, a trustee's sale shall not impair any right or agreement of a guarantor to be reimbursed by a borrower or grantor for a deficiency judgment against the guarantor.

(12) Notwithstanding anything in this section to the contrary, the rights and obligations of any borrower, grantor, and guarantor following a trustee's sale under a deed of trust securing a commercial loan or any guaranty of such a loan executed prior to June 11, 1998, shall be determined in accordance with the laws existing prior to June 11, 1998.

[1998 c 295 § 12; 1990 c 111 § 2; 1965 c 74 § 10.]

---

## **RCW 64.34.070**

### **Law applicable -- General principles.**

The principles of law and equity, including the law of corporations and unincorporated associations, the law of real **property**, and the law relative to capacity to contract, principal and agent, **condemnation**, estoppel, fraud, misrepresentation, duress, coercion, mistake, receivership, substantial performance, or other validating or invalidating cause supplement the provisions of this chapter, except to the extent inconsistent with this chapter.

[1989 c 43 § 1-108.]

---

## **RCW 64.34.220**

### **Leasehold condominiums.**

(1) Any lease, the expiration or termination of which may terminate the condominium or reduce its size,

or a memorandum thereof, shall be recorded. Every lessor of those leases must sign the declaration, and the declaration shall state:

- (a) The recording number of the lease or a statement of where the complete lease may be inspected;
  - (b) The date on which the lease is scheduled to expire;
  - (c) A legal description of the real **property** subject to the lease;
  - (d) Any right of the unit owners to redeem the reversion and the manner whereby those rights may be exercised, or a statement that they do not have those rights;
  - (e) Any right of the unit owners to remove any improvements within a reasonable time after the expiration or termination of the lease, or a statement that they do not have those rights; and
  - (f) Any rights of the unit owners to renew the lease and the conditions of any renewal, or a statement that they do not have those rights.
- (2) The declaration may provide for the collection by the association of the proportionate rents paid on the lease by the unit owners and may designate the association as the representative of the unit owners on all matters relating to the lease.
- (3) If the declaration does not provide for the collection of rents by the association, the lessor may not terminate the interest of a unit owner who makes timely payment of the owner's share of the rent and otherwise complies with all covenants other than the payment of rent which, if violated, would entitle the lessor to terminate the lease.
- (4) Acquisition of the leasehold interest of any unit owner by the owner of the reversion or remainder does not merge the leasehold and fee simple interests unless the leasehold interests of all unit owners subject to that reversion or remainder are acquired and the owner thereof records a document confirming the merger.
- (5) If the expiration or termination of a lease decreases the number of units in a condominium, the allocated interests shall be reallocated in accordance with RCW 64.34.060(1) as though those units had been taken by **condemnation**. Reallocations shall be confirmed by an amendment to the declaration and survey map and plans prepared, executed, and recorded by the association.

[1989 c 43 § 2-106.]

---

## **RCW 64.34.236**

### **Development rights.**

(1) To exercise any development right reserved under RCW 64.34.216(1)(j), the declarant shall prepare, execute, and record an amendment to the declaration under RCW 64.34.264, and comply with RCW 64.34.232. The declarant is the unit owner of any units thereby created. The amendment to the declaration shall assign an identifying number to each new unit created, and, except in the case of subdivision or conversion of units described in subsection (2) of this section, reallocate the allocated interests among all units. The amendment must describe any common elements and any limited common elements thereby created and, in the case of limited common elements, designate the unit to which each is allocated to the extent required by RCW 64.34.228.

(2) Development rights may be reserved within any real **property** added to the condominium if the amendment adding that real **property** includes all matters required by RCW 64.34.216 or 64.34.220, as the case may be, and the survey map and plans include all matters required by RCW 64.34.232. This provision does not extend the time limit on the exercise of development rights imposed by the declaration pursuant to RCW 64.34.216(1)(j).

(3) Whenever a declarant exercises a development right to subdivide or convert a unit previously created into additional units, common elements, or both:

(a) If the declarant converts the unit entirely to common elements, the amendment to the declaration must reallocate all the allocated interests of that unit among the other units as if that unit had been taken by **condemnation** under RCW 64.34.060.

(b) If the declarant subdivides the unit into two or more units, whether or not any part of the unit is converted into common elements, the amendment to the declaration must reallocate all the allocated interests of the unit among the units created by the subdivision in any reasonable and equitable manner prescribed by the declarant.

(4) If the declaration provides, pursuant to RCW 64.34.216(1)(j), that all or a portion of the real **property** is subject to the development right of withdrawal:

(a) If all the real **property** is subject to withdrawal, and the declaration or survey map or amendment thereto does not describe separate portions of real **property** subject to that right, none of the real **property** may be withdrawn if a unit in that portion of the real **property** is owned by a person other than the declarant; and

(b) If a portion or portions are subject to withdrawal as described in the declaration or in the survey map or in any amendment thereto, no portion may be withdrawn if a unit in that portion of the real **property** is owned by a person other than the declarant.

[1989 c 43 § 2-110.]

---

## RCW 64.34.268

### Termination of condominium.

(1) Except in the case of a taking of all the units by **condemnation** under RCW 64.34.060, a condominium may be terminated only by agreement of unit owners of units to which at least eighty percent of the votes in the association are allocated, or any larger percentage the declaration specifies: PROVIDED, That the declaration may specify a smaller percentage only if all of the units in the condominium are restricted exclusively to nonresidential uses.

(2) An agreement to terminate must be evidenced by the execution of a termination agreement or ratifications thereof, in the same manner as a deed, by the requisite number of unit owners. The termination agreement must specify a date after which the agreement will be void unless it is recorded before that date and shall contain a description of the manner in which the creditors of the association will be paid or provided for. A termination agreement and all ratifications thereof must be recorded in every county in which a portion of the condominium is situated and is effective only upon recording. A termination agreement may be amended by complying with all of the requirements of this section.

(3) A termination agreement may provide that all the common elements and units of the condominium shall be sold following termination. If, pursuant to the agreement, any real **property** in the condominium is to be sold following termination, the termination agreement must set forth the minimum terms of the sale.

(4) The association, on behalf of the unit owners, may contract for the sale of real **property** in the condominium, but the contract is not binding on the unit owners until approved pursuant to subsections (1) and (2) of this section. If any real **property** in the condominium is to be sold following termination, title to that real **property**, upon termination, vests in the association as trustee for the holders of all interests in the units. Thereafter, the association has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds thereof distributed, the association continues in existence with all powers it had before termination. Proceeds of the sale must be distributed to unit owners and lien holders as their interests may appear, in proportion to the respective interests of unit owners as provided in subsection (7) of this section. Unless otherwise specified in the termination agreement, as long as the association holds title to the real **property**, each unit owner and the owner's successors in interest have an exclusive right to occupancy of the portion of the real **property** that formerly constituted the owner's unit. During the period of that occupancy, each unit owner and the owner's successors in interest remain liable for all assessments and other obligations imposed on unit owners by this chapter or the declaration.

(5) If the real **property** constituting the condominium is not to be sold following termination, title to all the real **property** in the condominium vests in the unit owners upon termination as tenants in common in proportion to their respective interests as provided in subsection (7) of this section, and liens on the units shift accordingly. While the tenancy in common exists, each unit owner and the owner's successors in interest have an exclusive right to occupancy of the portion of the real **property** that formerly constituted the owner's unit.

(6) Following termination of the condominium, the proceeds of any sale of real **property**, together with the assets of the association, are held by the association as trustee for unit owners and holders of liens on the units and creditors of the association as their interests may appear. No such proceeds or assets may be disbursed to the owners until all of the creditors of the association have been paid or provided for. Following termination, creditors of the association holding liens on the units, which were recorded or perfected under RCW 4.64.020 before termination, may enforce those liens in the same manner as any lien holder.

(7) The respective interests of unit owners referred to in subsections (4), (5), and (6) of this section are as follows:

(a) Except as provided in (b) of this subsection, the respective interests of unit owners are the fair market values of their units, limited common elements, and common element interests immediately before the termination, as determined by one or more independent appraisers selected by the association. The decision of the independent appraisers shall be distributed to the unit owners and becomes final unless disapproved, within thirty days after distribution, by unit owners of units to which twenty-five percent of the votes in the association are allocated. The proportion of any unit owner's interest to that of all unit owners is determined by dividing the fair market value of that unit owner's unit and common element interest by the total fair market values of all the units and common elements.

(b) If any unit or any limited common element is destroyed to the extent that an appraisal of the fair market value thereof before destruction cannot be made, the interests of all unit owners are their respective common element interests immediately before the termination.

(8) Except as provided in subsection (9) of this section, foreclosure or enforcement of a lien or encumbrance against the entire condominium does not of itself terminate the condominium, and foreclosure or enforcement of a lien or encumbrance against a portion of the condominium, other than withdrawable real **property**, does not withdraw that portion from the condominium. Foreclosure or enforcement of a lien or encumbrance against withdrawable real **property** does not of itself withdraw that real **property** from the condominium, but the person taking title thereto has the right to require from the association, upon request, an amendment excluding the real **property** from the condominium.

(9) If a lien or encumbrance against a portion of the real **property** that is withdrawable from the condominium has priority over the declaration, and the lien or encumbrance has not been partially released as to a unit, the purchaser at the foreclosure or such purchaser's successors may, upon foreclosure, record an instrument exercising the right to withdraw the real **property** subject to that lien or encumbrance from the condominium. The board of directors shall reallocate interests as if the foreclosed portion were **condemned**.

(10) The right of partition under chapter 7.52 RCW shall be suspended if an agreement to sell the **property** is provided for in the termination agreement pursuant to subsection (3) of this section. The suspension of the right to partition shall continue unless and until no binding obligation to sell exists three months after the recording of the termination agreement, the binding sale agreement is terminated, or one year after the termination agreement is recorded, whichever first occurs.

[1992 c 220 § 12; 1989 c 43 § 2-118.]

---

#### RCW 64.34.352

##### Insurance.

(1) Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, the association shall maintain, to the extent reasonably available:

(a) **Property** insurance on the condominium, which may, but need not, include equipment, improvements, and betterments in a unit installed by the declarant or the unit owners, insuring against all risks of direct physical loss commonly insured against. The total amount of insurance after application of any deductibles shall be not less than eighty percent, or such greater amount specified in the declaration, of the actual cash value of the insured **property** at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations, and other items normally excluded from **property** policies; and

(b) Liability insurance, including medical payments insurance, in an amount determined by the board of directors but not less than the amount specified in the declaration, covering all occurrences commonly insured against for death, bodily injury, and **property** damage arising out of or in connection with the use, ownership, or maintenance of the common elements.

(2) If the insurance described in subsection (1) of this section is not reasonably available, or is modified, canceled, or not renewed, the association promptly shall cause notice of that fact to be hand-delivered or sent prepaid by first class United States mail to all unit owners, to each eligible mortgagee, and to each mortgagee to whom a certificate or memorandum of insurance has been issued at their respective last known addresses. The declaration may require the association to carry any other insurance, and the association in any event may carry any other insurance it deems appropriate to protect the association or the unit owners.

(3) Insurance policies carried pursuant to subsection (1) of this section shall provide that:

(a) Each unit owner is an insured person under the policy with respect to liability arising out of the owner's interest in the common elements or membership in the association;

(b) The insurer waives its right to subrogation under the policy against any unit owner, member of the owner's household, and lessee of the owner;

(c) No act or omission by any unit owner, unless acting within the scope of the owner's authority on behalf of the association, will void the policy or be a condition to recovery under the policy; and

(d) If, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same risk covered by the policy, the association's policy provides primary insurance.

(4) Any loss covered by the **property** insurance under subsection (1)(a) of this section must be adjusted with the association, but the insurance proceeds for that loss are payable to any insurance trustee designated for that purpose, or otherwise to the association, and not to any holder of a mortgage. The insurance trustee or the association shall hold any insurance proceeds in trust for unit owners and lienholders as their interests may appear. Subject to the provisions of subsection (7) of this section, the proceeds must be disbursed first for the repair or restoration of the damaged **property**, and unit owners and lienholders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the **property** has been completely repaired or restored or the condominium is terminated.

(5) An insurance policy issued to the association does not prevent a unit owner from obtaining insurance for the owner's own benefit.

(6) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the association and, upon written request, to any unit owner or holder of a mortgage. The insurer issuing the policy may not modify the amount or the extent of the coverage of the policy or cancel or refuse to renew the policy unless the insurer has complied with all applicable provisions of chapter 48.18 RCW pertaining to the cancellation or nonrenewal of contracts of insurance. The insurer shall not modify the amount or the extent of the coverage of the policy, or cancel or refuse to renew the policy without complying with this section.

(7) Any portion of the condominium for which insurance is required under this section which is damaged or destroyed shall be repaired or replaced promptly by the association unless: (a) The condominium is terminated; (b) repair or replacement would be illegal under any state or local health or safety statute or ordinance; or (c) eighty percent of the unit owners, including every owner of a unit or assigned limited common element which will not be rebuilt, vote not to rebuild. The cost of repair or replacement in excess of insurance proceeds and reserves is a common expense. If all of the damaged or destroyed portions of the condominium are not repaired or replaced: (i) The insurance proceeds attributable to the damaged common elements shall be used to restore the damaged area to a condition compatible with the remainder of the condominium; (ii) the insurance proceeds attributable to units and limited common elements which are not rebuilt shall be distributed to the owners of those units and the owners of the units to which those limited common elements were allocated, or to lienholders, as their interests may appear; and (iii) the remainder of the proceeds shall be distributed to all the unit owners or lienholders, as their interests may appear, in proportion to the common element interests of all the units. If the unit owners vote not to rebuild any unit, that unit's allocated interests are automatically reallocated upon the vote as if the unit had been **condemned** under RCW 64.34.060(1), and the association promptly shall prepare, execute, and record an amendment to the declaration reflecting the reallocations.



Notwithstanding the provisions of this subsection, RCW 64.34.268 governs the distribution of insurance proceeds if the condominium is terminated.

(8) The provisions of this section may be varied or waived as provided in the declaration if all units of a condominium are restricted to nonresidential use.

[1992 c 220 § 18; 1990 c 166 § 4; 1989 c 43 § 3-114.]

#### NOTES:

**Effective date -- 1990 c 166:** See note following RCW 64.34.020.

#### **RCW 64.44.040**

**Orders declaring property unfit and prohibiting use--City, county action--Entrance upon property prohibited.**

(1) Upon issuance of an order declaring **property** unfit and prohibiting its use, the city or county in which the contaminated **property** is located may take action to prohibit use, occupancy, or removal of such **property**; **condemn**, decontaminate, or demolish the **property**; or require that the **property** be vacated or the contents removed from the **property**. The city or county may use an authorized contractor if **property** is demolished, decontaminated, or removed under this section. The city, county, or contractor shall comply with all orders of the health officer during these processes. No city or county may **condemn**, decontaminate, or demolish **property** pursuant to this section until all procedures granting the right of notice and the opportunity to appeal in RCW 64.44.030 have been exhausted, but may prohibit use, occupancy, or removal of contaminated **property** pending appeal of the order.

(2)(a) It is unlawful for any person to enter upon any **property**, or to remove any **property**, that has been found unfit for use by a local health officer pursuant to RCW 64.44.030.

(b) This subsection does not apply to: (i) Health officials, law enforcement officials, or other government agents performing their official duties; (ii) authorized contractors or owners performing decontamination pursuant to authorization by the local health officer; and (iii) any person acting with permission of a local health officer, or of a superior court or hearing examiner following an appeal of a decision of the local health officer.

(c) Any person who violates this subsection is guilty of a misdemeanor.

(3) No provision of this section may be construed to limit the ability of the local health officer to permit occupants or owners of the **property** at issue to remove uncontaminated personal **property** from the premises.

[2006 c 339 § 204; 1999 c 292 § 5; 1990 c 213 § 5.]

#### NOTES:

**Intent -- Part headings not law--2006 c 339:** See notes following RCW 70.96A.325.

**Finding -- Intent -- 1999 c 292:** See note following RCW 64.44.010.

**RCW 67.28.140****Declaration of public purpose -- Right of eminent domain.**

The acts authorized herein are declared to be strictly for the public purposes of the municipalities authorized to perform same. Any municipality as defined in RCW 67.28.080 shall have the power to acquire by **condemnation** and purchase any lands and **property** rights, both within and without its boundaries, which are necessary to carry out the purposes of this chapter. Such right of eminent domain shall be exercised by the legislative body of each such municipality in the manner provided by applicable general law or under chapter 8.12 RCW.

[1967 c 236 § 7.]

**RCW 67.30.010****Declaration of public purpose and necessity.**

The participation of counties and cities in multipurpose sports stadia which may be used for football, baseball, soccer, conventions, home shows or any and all similar activities; the purchase, lease, **condemnation**, or other acquisition of necessary real **property** therefor; the acquisition by **condemnation** or otherwise, lease, construction, improvement, maintenance, and equipping of buildings or other structures upon such real **property** or other real **property**; the operation and maintenance necessary for such participation, and the exercise of any other powers herein granted to counties and cities, are hereby declared to be public, governmental, and municipal functions, exercised for a public purpose, and matters of public necessity, and such real **property** and other **property** acquired, constructed, improved, maintained, equipped, and used by counties and cities in the manner and for the purposes enumerated in this chapter shall and are hereby declared to be acquired, constructed, improved, maintained, equipped and used for public, governmental, and municipal purposes and as a matter of public necessity.

[1967 c 166 § 2.]

**RCW 67.30.020****Participation by cities and counties -- Powers -- Costs, how paid.**

The counties and cities are authorized, upon passage of an ordinance in the prescribed manner, to participate in the financing, construction, acquisition, operation, and maintenance of multipurpose sports stadia within their boundaries. Counties and cities are also authorized, through their governing authorities, to purchase, lease, **condemn**, or otherwise acquire **property**, real or personal; to construct, improve, maintain and equip buildings or other structures; and expend moneys for investigations, planning, operations, and maintenance necessary for such participation.

The cost of any such acquisition, **condemnation**, construction, improvement, maintenance, equipping, investigations, planning, operation, or maintenance necessary for such participation may be paid for by appropriation of moneys available therefor, gifts, or wholly or partly from the proceeds of revenue bonds as the governing authority may determine.

[1967 c 166 § 3.]

**RCW 67.30.040**

### **Power to appropriate and raise moneys.**

The governing body having power to appropriate moneys within any county or city for the purpose of purchasing, **condemning**, leasing or otherwise acquiring **property**, constructing, improving, maintaining, and equipping buildings or other structures, and the investigations, planning, operation or maintenance necessary to participation in any such all-purpose or multipurpose sports stadium, is hereby authorized to appropriate and cause to be raised by taxation or otherwise moneys sufficient to carry out such purpose.

[1967 c 166 § 5.]

---

### **RCW 67.40.020**

#### **State convention and trade center -- Public nonprofit corporation authorized -- Board of directors -- Powers and duties.**

(1) The governor is authorized to form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The public corporation shall be an instrumentality of the state and have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The governor shall appoint a board of nine directors for the corporation who shall serve terms of six years, except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. After January 1, 1991, at least one position on the board shall be filled by a member representing management in the hotel or motel industry subject to taxation under RCW 67.40.090. The directors may provide for the payment of their expenses. The corporation may acquire, construct, expand, and improve the state convention and trade center within the city of Seattle. Notwithstanding the provisions of subsection (2) of this section, the corporation may acquire, lease, sell, or otherwise encumber **property** rights, including but not limited to development or condominium rights, deemed by the corporation as necessary for facility expansion.

(2) The corporation may acquire and transfer real and personal **property** by lease, sublease, purchase, or sale, and further acquire **property** by **condemnation** of privately owned **property** or rights to and interests in such **property** pursuant to the procedure in chapter 8.04 RCW. However, acquisitions and transfers of real **property**, other than by lease, may be made only if the acquisition or transfer is approved by the director of financial management in consultation with the chairpersons of the appropriate fiscal committees of the senate and house of representatives. The corporation may accept gifts or grants, request the financing provided for in RCW 67.40.030, cause the state convention and trade center facilities to be constructed, and do whatever is necessary or appropriate to carry out those purposes. Upon approval by the director of financial management in consultation with the chairpersons of the appropriate fiscal committees of the house of representatives and the senate, the corporation may enter into lease and sublease contracts for a term exceeding the fiscal period in which these lease and sublease contracts are made. The terms of sale or lease of properties acquired by the corporation on February 9, 1987, pursuant to the **property** purchase and settlement agreement entered into by the corporation on June 12, 1986, including the McKay parcel which the corporation is contractually obligated to sell under that agreement, shall also be subject to the approval of the director of financial management in consultation with the chairpersons of the appropriate fiscal committees of the house of representatives and the senate. No approval by the director of financial management is required for leases of individual retail space, meeting rooms, or convention-related facilities. In order to allow the corporation flexibility to secure appropriate insurance by negotiation, the corporation is exempt from RCW 48.30.270. The corporation shall maintain, operate, promote, and manage the state convention and

trade center.

(3) In order to allow the corporation flexibility in its personnel policies, the corporation is exempt from chapter 41.06 RCW, chapter 41.05 RCW, RCW 43.01.040 through 43.01.044, chapter 41.04 RCW and chapter 41.40 RCW.

[1995 c 386 § 12; 1993 c 500 § 9; 1988 ex.s. c 1 § 1; 1987 1st ex.s. c 8 § 2; 1984 c 210 § 1; 1983 2nd ex.s. c 1 § 2; 1982 c 34 § 2.]

## NOTES:

**Severability -- Effective date -- 1995 c 386:** See notes following RCW 67.40.130.

**Finding -- Severability -- Effective date -- 1993 c 500:** See notes following RCW 43.41.180.

**Severability -- 1987 1st ex.s. c 8:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 1st ex.s. c 8 § 17.]

**Savings -- 1984 c 210:** "This act shall not terminate or modify any right acquired under a contract of employment in existence prior to March 27, 1984." [1984 c 210 § 7.]

**Severability -- 1984 c 210:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 210 § 8.]

---

## RCW 68.52.200

### Right of eminent domain.

The taking and damaging of **property** or rights therein by any cemetery district to carry out the purposes of its creation, are hereby declared to be for a public use, and any such district shall have and exercise the power of eminent domain to acquire any **property** or rights therein, either inside or outside the district for the use of such district. In exercising the power of eminent domain, a district shall proceed in the manner provided by law for the appropriation of real **property** or rights therein by private corporations. It may at its option unite in a single action proceedings to **condemn property** held by separate owners. Two or more **condemnation** suits instituted separately may also in the discretion of the court be consolidated upon motion of any interested party into a single action. In such cases the jury shall render separate verdicts for each tract of land in different ownership. No finding of the jury or decree of the court as to damages in any **condemnation** suit instituted by the district shall be held or construed to destroy the right of the district to levy and collect taxes for any and all district purposes against the uncondemned land situated within the district.

[1947 c 6 § 12; Rem. Supp. 1947 § 3778-161. Formerly RCW 68.16.120.]

## NOTES:

Eminent domain: State Constitution Art. 1 § 16 (Amendment 9).

Eminent domain by corporations: Chapter 8.20 RCW.

---

**RCW 70.44.060**  
**Powers and duties.**

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, **condemn** and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, **property**, **property** rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or **property** of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of **property** rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of **condemnation** against any health care facility.

(3) To lease existing hospital and other health care facilities and equipment and/or other **property** used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, **condemn** and purchase, lease, or acquire, any and all **property**, and **property** rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended; (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 and 70.44.130, as may hereafter be amended; or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and

conditions as the board of commissioners may deem to be in the best interest of the district; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. General obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW.

(6) To raise revenue by the levy of an annual tax on all taxable **property** within such public hospital district not to exceed fifty cents per thousand dollars of assessed value, and an additional annual tax on all taxable **property** within such public hospital district not to exceed twenty-five cents per thousand dollars of assessed value, or such further amount as has been or shall be authorized by a vote of the people. Although public hospital districts are authorized to impose two separate regular **property** tax levies, the levies shall be considered to be a single levy for purposes of the limitation provided for in chapter 84.55 RCW. Public hospital districts are authorized to levy such a general tax in excess of their regular **property** taxes when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition or propositions to levy taxes in excess of its regular **property** taxes. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first day of November. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks, at least one time each week, in a newspaper printed and of general circulation in said county. On or before the fifteenth day of November the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians or other health care practitioners who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, which expenses may include expenses incurred by family members accompanying the candidate, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make all contracts useful or necessary to carry out the provisions of this chapter, including, but not limited to, (a) contracts with private or public institutions for employee retirement programs, and (b) contracts with current or prospective employees, physicians, or other health care practitioners providing for the payment or reimbursement by the public hospital district of health care training or education expenses, including but not limited to debt obligations, incurred by current or prospective employees, physicians, or other health care practitioners in return for their agreement to provide services beneficial to the public hospital district; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter.

[2003 c 125 § 1; 2001 c 76 § 1; 1997 c 3 § 206 (Referendum Bill No. 47, approved November 4, 1997); 1990 c 234 § 2; 1984 c 186 § 59; 1983 c 167 § 172; 1982 c 84 § 15; 1979 ex.s. c 155 § 1; 1979 ex.s. c 143 § 4; 1977 ex.s. c 211 § 1; 1974 ex.s. c 165 § 2; 1973 1st ex.s. c 195 § 83; 1971 ex.s. c 218 § 2; 1970 ex.s. c 56 § 85; 1969 ex.s. c 65 § 1; 1967 c 164 § 7; 1965 c 157 § 2; 1949 c 197 § 18; 1945 c 264 § 6; Rem. Supp. 1949 § 6090-35.]

## NOTES:

**Intent -- 1997 c 3 §§ 201-207:** See note following RCW 84.55.010.

**Application -- Severability -- Part headings not law -- Referral to electorate -- 1997 c 3:** See notes following RCW 84.40.030.

**Purpose -- 1984 c 186:** See note following RCW 39.46.110.

**Liberal construction -- Severability -- 1983 c 167:** See RCW 39.46.010 and note following.

**Severability -- 1979 ex.s. c 155:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 155 § 3.]

**Severability -- 1979 ex.s. c 143:** See note following RCW 70.44.200.

**Severability -- Effective dates and termination dates -- Construction -- 1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

**Purpose -- 1970 ex.s. c 56:** See note following RCW 39.52.020.

**Purpose -- Severability -- 1967 c 164:** See notes following RCW 4.96.010.

Eminent domain

by cities: Chapter 8.12 RCW.

generally: State Constitution Art. 1 § 16.

Limitation on levies: State Constitution Art. 7 § 2; RCW 84.52.050.

Port districts, collection of taxes: RCW 53.36.020.

Tortious conduct of political subdivisions, municipal corporations and quasi-municipal corporations, liability for damages: Chapter 4.96 RCW.

---

**RCW 70.95A.050**

## **Revenue bonds -- Security -- Scope -- Default -- Authorization proceedings.**

(1) The principal of and interest on any bonds issued under the authority of this chapter (a) shall be secured by a pledge of the revenues derived from the sale or lease of the facilities out of which such bonds shall be made payable, (b) may be secured by a mortgage covering all or any part of the facilities, (c) may be secured by a pledge or assignment of the lease of such facilities, or (d) may be secured by a trust agreement or such other security device as may be deemed most advantageous by the governing body.

(2) The proceedings under which the bonds are authorized to be issued under the provisions of this chapter, and any mortgage given to secure the same may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting (a) the fixing and collection of rents for any facilities covered by such proceedings or mortgage, (b) the terms to be incorporated in the lease of such facilities, (c) the maintenance and insurance of such facilities, (d) the creation and maintenance of special funds from the revenues of such facilities, and (e) the rights and remedies available in the event of a default to the bond owners or to the trustee under a mortgage or trust agreement, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this chapter: PROVIDED, That in making any such agreements or provisions a municipality shall not have the power to obligate itself except with respect to the facilities and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

(3) The proceedings authorizing any bonds under the provisions of this chapter and any mortgage securing such bonds may provide that, in the event of a default in the payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the facilities in accordance with such proceedings or the provisions of such mortgage.

(4) Any mortgage made under the provisions of this chapter, to secure bonds issued thereunder, may also provide that, in the event of a default in the payment thereof or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed and the mortgaged **property** sold under proceedings in equity or in any other manner now or hereafter permitted by law. Such mortgage may also provide that any trustee under such mortgage or the owner of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge upon their general credit or against their taxing powers.

(5) The proceedings authorizing the issuance of bonds hereunder may provide for the appointment of a trustee or trustees for the protection of the owners of the bonds, whether or not a mortgage is entered into as security for such bonds. Any such trustee may be a bank with trust powers or a trust company and shall be located in the United States, within or without the state of Washington, shall have the immunities, powers and duties provided in said proceedings, and may, to the extent permitted by such proceedings, hold and invest funds deposited with it in direct obligations of the United States, obligations guaranteed by the United States or certificates of deposit of a bank (including the trustee) which are continuously secured by such obligations of or guaranteed by the United States. Any bank acting as such trustee may, to the extent permitted by such proceedings, buy bonds issued hereunder to the same extent as if it were not such trustee. Said proceedings may provide for one or more co-trustees, and any co-trustee may be any competent individual over the age of twenty-one years or a bank having trust powers or trust company within or without the state. The proceedings authorizing the bonds may provide that some or all of the proceeds of the sale of the bonds, the revenues of any facilities, the



proceeds of the sale of any part of a facility, of any insurance policy or of any **condemnation** award be deposited with the trustee or a co-trustee and applied as provided in said proceedings.

[1983 c 167 § 175; 1973 c 132 § 6.]

#### NOTES:

**Liberal construction -- Severability -- 1983 c 167:** See RCW 39.46.010 and note following.

#### RCW 77.12.037

##### **Acquisition, use, and management of property -- Condemnation -- When authorized.**

The commission may acquire by gift, easement, purchase, lease, or **condemnation** lands, buildings, water rights, rights of way, or other necessary **property**, and construct and maintain necessary facilities for purposes consistent with this title. The commission may authorize the director to acquire **property** under this section, but the power of **condemnation** may only be exercised by the director when an appropriation has been made by the legislature for the acquisition of a specific **property**, except to clear title and acquire access rights of way.

The commission may sell, lease, convey, or grant concessions upon real or personal **property** under the control of the department.

[2000 c 107 § 4; 1995 1st sp.s. c 2 § 23 (Referendum Bill No. 45, approved November 7, 1995); 1983 1st ex.s. c 46 § 9; 1955 c 212 § 1; 1955 c 12 § 75.08.040. Prior: 1949 c 112 § 7(2); Rem. Supp. 1949 § 5780-206(2). Formerly RCW 75.08.040.]

#### NOTES:

**Referral to electorate -- 1995 1st sp.s. c 2:** See note following RCW 77.04.013.

**Effective date -- 1995 1st sp.s. c 2:** See note following RCW 43.17.020.

Tidelands reserved for recreational use and taking of fish and shellfish: RCW 79.125.740, 79.125.750.

#### RCW 79.10.070

##### **Management of public lands within watershed area providing water supply for city or town -- Lake Whatcom municipal watershed pilot project -- Report -- Exclusive method of condemnation by city or town for watershed purposes.**

(1) In the management of public lands lying within the limits of any watershed over and through which is derived the water supply of any city or town, the department may alter its land management practices to provide water with qualities exceeding standards established for intrastate and interstate waters by the department of ecology. However, if such alterations of management by the department reduce revenues from, increase costs of management of, or reduce the market value of public lands the city or town requesting such alterations shall fully compensate the department.

(2) The department shall initiate a pilot project for the municipal watershed delineated by the Lake Whatcom hydrographic boundaries to determine what factors need to be considered to achieve water quality standards beyond those required under chapter 90.48 RCW and what additional management actions can be taken on state trust lands that can contribute to such higher water quality standards. The

department shall establish an advisory committee consisting of a representative each of the city of Bellingham, Whatcom county, the Whatcom county water district 10, the department of ecology, the department of fish and wildlife, and the department of health, and three general citizen members to assist in this pilot project. In the event of differences of opinion among the members of the advisory committee, the committee shall attempt to resolve these differences through various means, including the retention of facilitation or mediation services.

(3) The pilot project in subsection (2) of this section shall be completed by June 30, 2000. The department shall defer all timber sales in the Lake Whatcom hydrographic boundaries until the pilot project is complete.

(4) Upon completion of the study, the department shall provide a report to the natural resources committee of the house of representatives and to the natural resources, parks, and recreation committee of the senate summarizing the results of the study.

(5) The exclusive manner, notwithstanding any provisions of the law to the contrary, for any city or town to acquire by **condemnation** ownership or rights in public lands for watershed purposes within the limits of any watershed over or through which is derived the water supply of any city or town shall be to petition the legislature for such authority. Nothing in RCW 79.44.003 and this chapter shall be construed to affect any existing rights held by third parties in the lands applied for.

[2003 c 334 § 332; 1999 c 257 § 1; 1971 ex.s. c 234 § 11; 1927 c 255 § 32; RRS § 7797-32. Prior: 1915 c 147 § 2; 1909 c 223 § 3; 1907 c 256 § 6; 1901 c 148 § 1; 1899 c 129 § 1; 1897 c 89 § 12; 1895 c 178 § 23. Formerly RCW 79.01.128, 79.12.110.]

## NOTES:

**Intent -- 2003 c 334:** See note following RCW 79.02.010.

**Condemnation** proceedings where state land involved: RCW 8.28.010.

Municipal corporation in adjoining state may **condemn** watershed **property**: RCW 8.28.050.

---

## RCW 79.17.200

### **Real property -- Transfer or disposal without public auction.**

(1) For the purposes of this section, "public agency" means any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any agency of the state government; any agency of the United States; and any Indian tribe recognized as such by the federal government.

(2) With the approval of the board of natural resources, the department of natural resources may directly transfer or dispose of real **property**, without public auction, in the following circumstances:

- (a) Transfers in lieu of **condemnations**;
- (b) Transfers to public agencies; and
- (c) Transfers to resolve trespass and **property** ownership disputes.

(3) Real **property** to be transferred or disposed of under this section shall be transferred or disposed

of only after appraisal and for at least fair market value, and only if such transaction is in the best interest of the state or affected trust.

[1992 c 167 § 2. Formerly RCW 79.01.009.]

#### **RCW 79.22.060**

##### **Transfer, disposal of lands without public auction -- Requirements.**

(1) With the approval of the board, the department may directly transfer or dispose of state forest lands without public auction, if such lands consist of ten contiguous acres or less, or have a value of twenty-five thousand dollars or less. Such disposal may only occur in the following circumstances:

- (a) Transfers in lieu of **condemnation**; and
- (b) Transfers to resolve trespass and **property** ownership disputes.

(2) Real **property** to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if such transaction is in the best interest of the state or affected trust.

(3) The proceeds from real **property** transferred or disposed of under this section shall be deposited into the park land trust revolving fund and be solely used to buy replacement land within the same county as the **property** transferred or disposed.

[2003 c 334 § 221; 2000 c 148 § 3. Formerly RCW 76.12.125.]

#### **NOTES:**

**Intent -- 2003 c 334:** See note following RCW 79.02.010.

#### **RCW 79.24.520**

##### **Acquisition of property authorized -- Means -- Other state agencies to assist committee in executing chapter.**

The state capitol committee may acquire such **property** by gift, exchange, purchase, option to purchase, **condemnation**, or any other means of acquisition not expressly prohibited by law. All other state agencies shall aid and assist the state capitol committee in carrying out the provisions of RCW 79.24.500 through 79.24.600.

[1961 c 167 § 3.]

### **Chapter 79.36 RCW EASEMENTS OVER PUBLIC LANDS**

#### **RCW SECTIONS**

#### **PART 1**

## ACQUISITION

- 79.36.310 Acquisition of **property** interests for access authorized.
- 79.36.320 **Condemnation** -- Duty of attorney general.
- 79.36.330 Disposal of **property** interests acquired.
- 79.36.340 Acquisition -- Payment.

## PART 2

## GRANTING

- 79.36.350 Application for right of way.
- 79.36.355 Grant of easements and rights in public land.
- 79.36.360 **Condemnation** proceedings involving state land.
- 79.36.370 Lands subject to easements for removal of valuable materials.
- 79.36.380 Private easement subject to common user.
- 79.36.390 Reasonable facilities and service for transportation must be furnished.
- 79.36.400 Duty of utilities and transportation commission.
- 79.36.410 Penalty for violation of orders.
- 79.36.430 Forfeiture for nonuse.
- 79.36.440 Right of way for public roads.
- 79.36.450 Railroad right of way.
- 79.36.460 Railroad right of way -- Procedure to acquire.
- 79.36.470 Railroad right of way -- Appraisement.
- 79.36.480 Railroad right of way -- Improvements -- Appraisal.
- 79.36.490 Railroad right of way -- Release or payment of damages.
- 79.36.500 Railroad right of way -- Certificate.
- 79.36.510 Utility pipe lines, transmission lines, etc.
- 79.36.520 Utility pipe lines, transmission lines, etc. -- Procedure to acquire.
- 79.36.530 Utility pipe lines -- Appraisal -- Certificate -- Reversion.
- 79.36.540 Right of way for irrigation, diking, and drainage purposes.
- 79.36.550 Right of way for irrigation, diking, and drainage purposes -- Procedure to acquire.
- 79.36.560 Right of way for irrigation, diking, and drainage purposes -- Appraisal -- Certificate.
- 79.36.570 Grant of overflow rights.
- 79.36.580 Construction of foregoing sections.
- 79.36.590 Easement reserved in later grants.
- 79.36.600 Private easement over state lands.
- 79.36.610 Easement over public lands subject to common user.

79.36.620 Reservations in grants and leases.

79.36.630 Duty of utilities and transportation commission.

79.36.640 Penalty for violating utilities and transportation commission's order.

79.36.650 Applications -- Appraisalment -- Certificate -- Forfeiture -- Fee.

#### NOTES:

Diking district right of way: RCW 85.05.080.

Flood control district right of way: Chapter 86.09 RCW.

Reclamation district right of way: RCW 89.30.223.

#### **RCW 79.36.310**

##### **Acquisition of property interests for access authorized.**

Whenever the department finds that it is in the best interests of the state of Washington to acquire any **property** or use of a road in private ownership to afford access to state timber and other valuable material for the purpose of developing, caring for, or selling the same, the acquisition of such **property**, or use thereof, is hereby declared to be necessary for the public use of the state of Washington, and the department is authorized to acquire such **property** or the use of such roads by gift, purchase, exchange, or **condemnation**, and subject to all of the terms and conditions of such gift, purchase, exchange, or decree of **condemnation** to maintain such **property** or roads as part of the department's land management road system.

[2003 c 334 § 226; 1963 c 140 § 1; 1945 c 239 § 1; Rem. Supp. 1945 § 5823-30. Formerly RCW 76.16.010.]

#### NOTES:

**Intent -- 2003 c 334:** See note following RCW 79.02.010.

Eminent domain: State Constitution Art. 1 § 16; chapter 8.04 RCW.

State lands subject to easements for removal of materials: RCW 79.36.370 and 79.36.590.

#### **RCW 79.36.320**

##### **Condemnation -- Duty of attorney general.**

The attorney general of the state of Washington is hereby required and authorized to **condemn** said **property** interests found to be necessary for the public purposes of the state of Washington, as provided in RCW 79.36.310, and upon being furnished with a certified copy of the resolution of the department, describing said **property** interests found to be necessary for the purposes set forth in RCW 79.36.310, the attorney general shall immediately take steps to acquire said **property** interests by exercising the state's right of eminent domain under the provisions of chapter 8.04 RCW, and in any **condemnation** action herein authorized, the resolution so describing the **property** interests found to be necessary for the purposes set forth above shall, in the absence of a showing of bad faith, arbitrary, capricious, or fraudulent action, be conclusive as to the public use and real necessity for the acquisition of said **property** interests for a public purpose, and said **property** interests shall be awarded to the state without the necessity of either pleading or proving that the department was unable to agree with the owner or

owners of said private **property** interest for its purchase. Any **condemnation** action herein authorized shall have precedence over all actions, except criminal actions, and shall be summarily tried and disposed of.

[2003 c 334 § 227; 1963 c 140 § 2; 1945 c 239 § 2; Rem. Supp. 1945 § 5823-31. Formerly RCW 76.16.020.]

#### NOTES:

**Intent -- 2003 c 334:** See note following RCW 79.02.010.

#### RCW 79.36.340

##### **Acquisition -- Payment.**

The department in acquiring any **property** interests under the provisions of this chapter, either by purchase or **condemnation**, is hereby authorized to pay for the same out of any moneys available to the department for this purpose.

[2003 c 334 § 229; 1963 c 140 § 4; 1945 c 239 § 4; Rem. Supp. 1945 § 5823-33. Formerly RCW 76.16.040.]

#### NOTES:

**Intent -- 2003 c 334:** See note following RCW 79.02.010.

#### RCW 79.36.370

##### **Lands subject to easements for removal of valuable materials.**

All state lands granted, sold or leased since the fifteenth day of June, 1911, or hereafter granted, sold or leased, containing timber, minerals, stone, sand, gravel, or other valuable materials, or when other state lands contiguous or in proximity thereto contain any such valuable materials, shall be subject to the right of the state, or any grantee or lessee thereof who has acquired such other lands, or any such valuable materials thereon, since the fifteenth day of June, 1911, or hereafter acquiring such other lands or valuable materials thereon, to acquire the right of way over such lands so granted, sold or leased, for private railroads, skid roads, flumes, canals, watercourses or other easements for the purpose of, and to be used in, transporting and moving such valuable materials from such other lands, over and across the lands so granted or leased, upon the state, or its grantee or lessee, paying to the owner of lands so granted or sold, or the lessee of the lands so leased, reasonable compensation therefor. In case the parties interested cannot agree upon the damages incurred, the same shall be ascertained and assessed in the same manner as damages are ascertained and assessed against a railroad company seeking to **condemn private property**.

[1982 1st ex.s. c 21 § 167; 1927 c 255 § 78; RRS § 7797-78. Prior: 1911 c 109 § 1. Formerly RCW 79.01.312, 79.36.010.]

#### NOTES:

**Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21:** See RCW 79.135.900 through 79.135.904.

Railroads, eminent domain: RCW 81.36.010 and 81.53.180.

Similar enactment: RCW 79.36.590.

State lands, eminent domain: RCW 8.28.010.

### **RCW 79.36.590**

#### **Easement reserved in later grants.**

All state lands hereafter granted, sold or leased shall be subject to the right of the state, or any grantee or lessee or successor in interest thereof hereafter acquiring other state lands, or acquiring the timber, stone, mineral or other natural products thereon, or the manufactured products thereof to acquire the right of way over such lands so granted, for logging and/or lumbering railroads, private railroads, skid roads, flumes, canals, watercourses, or other easements for the purpose of and to be used in the transporting and moving of such timber, stone, mineral or other natural products thereon, and the manufactured products thereof from such state land, and all necessary machinery, supplies or materials to be used in transporting, cutting, manufacturing, mining or quarrying any or all of such products over and across the lands so granted or leased, upon the state or its grantee or successor in interest thereof, paying to the owner of the lands so granted, sold, or leased reasonable compensation therefor. In case the parties interested cannot agree upon the damages incurred, the same shall be ascertained and assessed in the same manner as damages are ascertained and assessed against a railroad seeking to **condemn private property**.

[1927 c 312 § 1; RRS § 8107-1. Prior: 1911 c 109 § 1. Formerly RCW 79.36.230.]

#### **NOTES:**

**Severability -- 1927 c 312:** "If any section, subdivision, sentence or clause in this act shall be held invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional." [1927 c 312 § 8.] This applies to RCW 79.36.230 through 79.36.290.

Railroads, eminent domain: RCW 81.36.010 and 81.53.180.

Similar enactment: RCW 79.36.370.

### **RCW 79.44.190**

#### **Acquisition of property by state or political subdivision which is subject to unpaid assessments or delinquencies -- Payment of lien or installments.**

When real **property** subject to an unpaid special assessment for a local improvement levied by any political subdivision of the state authorized to form local improvement or utility local improvement districts is acquired by purchase or **condemnation** by the state or any political subdivision thereof, including but not limited to any special purpose district, the **property** so acquired shall continue to be subject to the assessment lien.

An assessment lien or installment thereof, delinquent at the time of such acquisition shall be paid at the time of acquisition, and the amount thereof, including any accrued interest and delinquent penalties, shall be withheld from the purchase price or **condemnation** award by the public body acquiring the **property** and shall be paid immediately to the county, city, or town treasurer, whichever is applicable, in payment of and discharge of such delinquent installment lien.

Any installment or installments not delinquent at the time of acquisition shall become due and

payable in such year and at such date as said installment would have become due if such **property** had not been so acquired: PROVIDED, That where such **property** is acquired by the state of Washington, the balance of the assessment shall be paid in full at the time of acquisition.

For the purpose of this section, the "time of acquisition" shall mean the date of completion of the sale, date of **condemnation** verdict, date of the order of immediate possession and use pursuant to RCW 8.04.090, or the date of judgment, if not tried to a jury.

[1971 ex.s. c 116 § 1.]

---

## **RCW 79.120.050**

### **Excavation of waterways -- Waterways open to public -- Tide gates or locks.**

All waterways excavated through any state-owned tidelands or shorelands by virtue of the provisions of chapter 99, Laws of 1893, so far as they run through the tidelands or shorelands, are declared to be public waterways, free to all citizens upon equal terms, and subject to the jurisdiction of the proper authorities, as otherwise provided by law. However, where tide gates or locks are considered by the contracting parties excavating any waterways to be necessary to the efficiency of the waterway, the department may, in its discretion, authorize tide gates or locks to be constructed and may authorize the parties constructing the waterway to operate them and collect a reasonable toll from vessels passing through the tide gates or locks. Further, the state of Washington or the United States of America can, at any time, appropriate the tide gates or locks upon payment to the parties erecting them of the reasonable value of the tide gates or locks at the date of the appropriation, reasonable value to be ascertained and determined as in other cases of **condemnation** of private **property** for public use.

[2005 c 155 § 405; 1982 1st ex.s. c 21 § 84. Formerly RCW 79.93.050.]

---

## **RCW 79A.05.030**

### **Powers and duties -- Mandatory.**

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt policies, and adopt, issue, and enforce rules pertaining to the use, care, and administration of state parks and parkways. The commission shall cause a copy of the rules to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than fifty years, and upon such conditions as shall be approved by the commission: PROVIDED, That leases exceeding a twenty-year term shall



require a unanimous vote of the commission: PROVIDED FURTHER, That if, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease: PROVIDED FURTHER, That television station leases shall be subject to the provisions of RCW 79A.05.085, only: PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary. Commission expenses relating to its use of volunteer assistance shall be limited to premiums or assessments for the insurance of volunteers by the department of labor and industries, compensation of staff who assist volunteers, materials and equipment used in authorized volunteer projects, training, reimbursement of volunteer travel as provided in RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to volunteer recognition. The commission, at its discretion, may waive commission fees otherwise applicable to volunteers. The commission shall not use volunteers to replace or supplant classified positions. The use of volunteers may not lead to the elimination of any employees or permanent positions in the bargaining unit.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by **condemnation** proceedings conducted by the attorney general as provided for the **condemnation** of rights of way for state highways. Option agreements executed under authority of this subsection shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the **property** upon exercise of the option does not exceed the appraised value of the **property**.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to which the state contributed or in whose care, control, or supervision the state participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Within allowable resources, maintain policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity, including noncompetitive physical activity.

(10) Adopt rules establishing the requirements for a criminal history record information search for the following: Job applicants, volunteers, and independent contractors who have unsupervised access to children or vulnerable adults, or who will be responsible for collecting or disbursing cash or processing credit/debit card transactions. These background checks will be done through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. A permanent employee of the commission, employed as of July 24, 2005, is exempt from the provisions of this subsection.

[2005 c 373 § 1; 2005 c 360 § 5. Prior: 1999 c 249 § 302; 1999 c 155 § 1; 1999 c 59 § 1; 1989 c 175 § 106; 1980 c 89 § 1; 1979 c 10 § 4; prior: 1977 ex.s. c 123 § 1; 1977 c 75 § 57; 1967 ex.s. c 90 § 1; 1965 c 8 § 43.51.040; prior: 1959 c 317 § 1; 1955 c 391 § 1; 1929 c 148 § 1; 1923 c 157 § 1; 1921 c 149 § 2; RRS § 10942. Formerly RCW 43.51.040.]

## NOTES:

**Reviser's note:** This section was amended by 2005 c 360 § 5 and by 2005 c 373 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Findings--Intent -- 2005 c 360:** See note following RCW 36.70A.070.

**Severability -- 1999 c 249:** See note following RCW 79A.05.010.

**Effective date -- 1989 c 175:** See note following RCW 34.05.010.

Inspection of recreational devices: Chapter 79A.40 RCW.

---

### RCW 80.28.220

#### **Gas companies -- Right of eminent domain -- Purposes.**

Every corporation having for one of its principal purposes the transmission, distribution, sale, or furnishing of natural gas or other type gas for light, heat, or power and holding and owning a certificate of public convenience and necessity from the utilities and transportation commission authorizing the operation of a gas plant, may appropriate, by **condemnation**, lands and **property** and interests therein, for the transmission, distribution, sale, or furnishing of such natural gas or other type gas through gas mains or pipelines under the provisions of chapter 8.20 RCW.

[1961 c 14 § 80.28.220. Prior: 1957 c 191 § 1.]

---

### RCW 80.32.080

#### **Duties of electrical companies exercising power of eminent domain.**

Any corporation authorized to do business in this state, which, under the present laws of the state, is authorized to **condemn property** for the purpose of generating and transmitting electrical power for the operation of railroads or railways, or for municipal lighting, and which by its charter or articles of incorporation, assumes the additional right to sell electric power and electric light to private consumers outside the limits of a municipality and to sell electric power to private consumers within the limits of a municipality, which shall provide in its articles that in respect of the purposes mentioned in this section it will assume and undertake to the state and to the inhabitants thereof the duties and obligations of a public service corporation, shall be deemed to be in respect of such purposes a public service corporation, and shall be held to all the duties, obligations and control, which by law are or may be imposed upon public service corporations. Any such corporation shall have the right to sell electric light outside the limits of a municipality and electric power both inside and outside such limits to private consumers from the electricity generated and transmitted by it for public purposes and not needed by it therefor: PROVIDED, That such corporation shall furnish such excess power at equal rates, quantity and conditions considered, to all consumers alike, and shall supply it to the first applicants therefor until the amount available shall be exhausted: PROVIDED FURTHER, That no such corporation shall be obliged to furnish such excess power to any one consumer to an amount exceeding twenty-five percent of the total amount of such excess power generated or transmitted by it. In exercising the power of eminent

domain for public purposes it shall not be an objection thereto that a portion of the electric current generated will be applied to private purposes, provided the principal uses intended are public: PROVIDED, That all public service or quasi public service corporations shall at no time sell, deliver and dispose of electrical power in bulk to manufacturing concerns at the expense of its public service functions, and any person, firm or corporation that is a patron of such corporation as to such public function, shall have the right to apply to any court of competent jurisdiction to correct any violation of the provisions of RCW 80.32.080 through 80.32.100.

[1961 c 14 § 80.32.080. Prior: 1907 c 159 § 1; RRS § 5432.]

---

### **RCW 80.40.030**

#### **Eminent domain.**

Any natural gas company having received an order under RCW 80.40.040 shall have the right of eminent domain to be exercised in the manner provided in and subject to the provisions of chapter 8.20 RCW to acquire for its use for the underground storage of natural gas any underground reservoir, as well as such other **property** or interests in **property** as may be required to adequately maintain and utilize the underground reservoir for the underground storage of natural gas, including easements and rights of way for access to and egress from the underground storage reservoir. The right of eminent domain granted hereby shall apply to **property** or **property** interests held in private ownership, provided **condemnor** has exercised good faith in negotiations for private sale or lease. No **property** shall be taken or damaged until the compensation to be made therefor shall have been ascertained and paid. Any **property** or interest therein so acquired by any natural gas company shall be used exclusively for the purposes for which it was acquired. Any decree of appropriation hereunder shall define and limit the rights **condemned** and shall provide for the reversion of such rights to the defendant or defendants or their successors in interest upon abandonment of the underground storage project. Good faith exploration work or development work relative to the storage reservoir is conclusive evidence that its use has not been abandoned. The court may include in such decree such other relevant conditions, covenants and restrictions as it may deem fair and equitable.

[1963 c 201 § 4.]

---

### **RCW 80.40.040**

#### **Eminent domain -- Application to \*oil and gas conservation committee prerequisite to eminent domain -- Procedure.**

Any natural gas company desiring to exercise the right of eminent domain to **condemn** any **property** or interest in **property** for the underground storage of natural gas shall first make application to the \*oil and gas conservation committee for an order approving the proposed project. Notice of such application shall be given by the committee to the utilities and transportation commission, to the director of ecology, to the commissioner of public lands, and to all other persons known to have an interest in the **property** to be **condemned**. Said notice shall be given in the manner provided by RCW 8.20.020 as amended. The committee shall publish notice of said application at least once each week for three successive weeks in some newspaper of general circulation in the county or counties where the proposed underground storage project is located. If no written requests for hearing on the application are received by the committee within forty-five days from the date of service of notice of the application and publication thereof, the committee may proceed without hearing and issue its order. If a hearing is requested, a public hearing on the application will be held within the county or one of the counties where the proposed underground storage project is located. Any order approving the proposed underground

storage project shall contain findings that (1) the underground storage of natural gas in the lands or **property** sought to be **condemned** is in the public interest and welfare; (2) the underground reservoir is reasonably practicable, and the applicant has complied with all applicable oil and gas conservation laws of the state of Washington; (3) the underground reservoir sought to be **condemned** is nonproductive of economically recoverable valuable minerals or materials, or of oil or gas in commercial quantities under either primary or secondary recovery methods, and nonproductive of fresh water in commercial quantities with feasible and reasonable pumping lift; (4) the natural gas company has acquired the right by grant, lease or other agreement to store natural gas under at least sixty-five percent of the area of the surface of the land under which such proposed underground storage reservoir extends; (5) the natural gas company carries public liability insurance or has deposited collateral in amounts satisfactory to the committee or has furnished a financial statement showing assets in a satisfactory amount, to secure payment of any liability resulting from any occurrence arising out of or caused by the operation or use of any underground reservoir or facilities incidental thereto; (6) the underground storage project will not injure, pollute, or contaminate any usable fresh water resources; (7) the underground storage project will not injure, interfere with, or endanger any mineral resources or the development or extraction thereof. The order of the committee may be reviewed in the manner provided by chapter 34.05 RCW: PROVIDED, That if an appeal is not commenced within thirty days of the date of the order of the committee, the same shall be final and conclusive.

[1988 c 127 § 35; 1963 c 201 § 5.]

#### NOTES:

**\*Reviser's note:** The duties of the oil and gas conservation committee were transferred to the department of natural resources by 1994 sp.s. c 9, effective July 1, 1994.

---

#### RCW 80.40.050

##### **Rights of company using storage -- Rights of owners of condemned land and interests therein.**

All natural gas in an underground reservoir utilized for underground storage, whether acquired by eminent domain or otherwise, shall at all times be the **property** of the natural gas company utilizing said underground storage, its heirs, successors, or assigns; and in no event shall such gas be subject to any right of the owner of the surface of the land under which said underground reservoir lies or of the owner of any mineral interest therein or of any person other than the said natural gas company, its heirs, successors and assigns to release, produce, take, reduce to possession, or otherwise interfere with or exercise any control thereof: PROVIDED, That the right of **condemnation** hereby granted shall be without prejudice to the rights of the owner of the **condemned** lands or of the rights and interest therein to drill or bore through the underground reservoir in such a manner as shall protect the underground reservoir against pollution and against the escape of natural gas in a manner which complies with the orders, rules and regulations of the \*oil and gas conservation committee issued for the purpose of protecting underground storage and shall be without prejudice to the rights of the owners of said lands or other rights or interests therein as to all other uses thereof. The additional cost of complying with regulations or orders to protect the underground storage shall be paid by the **condemnor**.

[1963 c 201 § 6.]

#### NOTES:

**\*Reviser's note:** The duties of the oil and gas conservation committee were transferred to the department of natural resources by 1994 sp.s. c 9, effective July 1, 1994.



**RCW 81.36.010****Right of eminent domain.**

Every corporation organized for the construction of any railway, macadamized road, plank road, clay road, canal or bridge, is hereby authorized and empowered to appropriate, by **condemnation**, land and any interest in land or contract right relating thereto, including any leasehold interest therein and any rights-of-way for tunnels beneath the surface of the land, and any elevated rights-of-way above the surface thereof, including lands granted to the state for university, school or other purposes, and also tide and shore lands belonging to the state (but not including harbor areas), which may be necessary for the line of such road, railway or canal, or site of such bridge, not exceeding two hundred feet in width, besides a sufficient quantity thereof for toll houses, workshops, materials for construction, excavations and embankments and a right-of-way over adjacent lands or **property**, to enable such corporation to construct and prepare its road, railway, canal or bridge, and to make proper drains; and in case of a canal, whenever the court shall deem it necessary, to appropriate a sufficient quantity of land, including lands granted to the state for university, school or other purposes, in addition to that before specified in this section, for the construction and excavation of such canal and of the slopes and bermes thereof, not exceeding one thousand feet in total width; and in case of a railway to appropriate a sufficient quantity of any such land, including lands granted to the state for university, schools and other purposes and also tide and shore lands belonging to the state (but not including harbor areas) in addition to that before specified in this section, for the necessary side tracks, depots and water stations, and the right to conduct water thereto by aqueduct, and for yards, terminal, transfer and switching grounds, docks and warehouses required for receiving, delivering, storage and handling of freight, and such land, or any interest therein, as may be necessary for the security and safety of the public in the construction, maintenance and operation of its railways; compensation therefor to be made to the owner thereof irrespective of any benefit from any improvement proposed by such corporation, in the manner provided by law: AND PROVIDED FURTHER, That if such corporation locate the bed of such railway or canal upon any part of the track now occupied by any established state or county road, said corporation shall be responsible to the state or county in which such state or county road so appropriated is located, for all expenses incurred by the state or county in relocating and opening the part of such road so appropriated. The term land as herein used includes tide and shore lands but not harbor areas; it also includes any interest in land or contract right relating thereto, including any leasehold interest therein.

[1961 c 14 § 81.36.010. Prior: 1907 c 244 § 1; 1903 c 180 § 1; 1895 c 80 § 2; 1888 p 63 § 2; Code 1881 § 2456; 1869 p 343 § 2; RRS § 10539.]

**RCW 81.53.180****Eminent domain.**

Whenever to carry out any work undertaken under this chapter it is necessary to take, damage, or injuriously affect any private lands, **property**, or **property** rights, the right so to take, damage, or injuriously affect the same may be acquired by **condemnation** as hereinafter provided:

(1) In cases where new railroads are constructed and laid out by railroad company authorized to exercise the power of eminent domain, the right to take, damage, or injuriously affect private lands, **property**, or **property** rights shall be acquired by the railroad company by a **condemnation** proceedings brought in its own name and prosecuted as provided by law for the exercise of the power of eminent domain by railroad companies, and the right of eminent domain is hereby conferred on railroad companies for the purpose of carrying out the requirements of this chapter or the requirements of any order of the commission.

(2) In cases where it is necessary to take, damage, or injuriously affect private lands, **property**, or **property** rights to permit the opening of a new highway or highway crossing across a railroad, the right to take, damage, or injuriously affect such lands, **property**, or **property** rights shall be acquired by the municipality or county petitioning for such new crossing by a **condemnation** proceeding brought in the name of such municipality or county as provided by law for the exercise of the power of eminent domain by such municipality or county. If the highway involved be a state highway, then the right to take, damage, or injuriously affect private lands, **property**, or **property** rights shall be acquired by a **condemnation** proceeding prosecuted under the laws relative to the exercise of the power of eminent domain in aid of such state road.

(3) In cases where the commission orders changes in existing crossings to secure an under-crossing, over-crossing, or safer grade crossing, and it is necessary to take, damage, or injuriously affect private lands, **property**, or **property** rights to execute the work, the right to take, damage, or injuriously affect such lands, **property**, or **property** rights shall be acquired in a **condemnation** proceeding prosecuted in the name of the state of Washington by the attorney general under the laws relating to the exercise of the power of eminent domain by cities of the first class for street and highway purposes: PROVIDED, That in the cases mentioned in this subdivision the full value of any lands taken shall be awarded, together with damages, if any accruing to the remainder of the land not taken by reason of the severance of the part taken, but in computing the damages to the remainder, if any, the jury shall offset against such damages, if any, the special benefits, if any, accruing to such remainder by reason of the proposed improvement. The right of eminent domain for the purposes mentioned in this subdivision is hereby granted.

[1961 c 14 § 81.53.180. Prior: 1913 c 30 § 15; RRS § 10525. Formerly RCW 81.52.250.]

---

## **RCW 81.88.020**

### **Pipeline corporations -- Regulation -- Eminent domain.**

All corporations having for one of their principal purposes the construction, maintenance and operation of pipelines and appurtenances for the conveyance and transportation as common carriers of oils, gas, gasoline and other petroleum products shall be subject to control and regulation by the commission in the same manner and to the same extent as other public service corporations. The power of eminent domain is hereby conferred upon such corporations to be used for acquiring rights of way for common carrier pipelines and they shall have the right to **condemn** and appropriate lands and **property** and interests therein for their use under the same procedure as is provided for the **condemnation** and appropriation of private **property** by railway companies, but no private **property** shall be taken or damaged until the compensation to be made therefor shall have been ascertained and paid as provided in the case of **condemnation** and appropriation by railway companies. Any **property** or interest therein acquired by any corporation under the provisions of this section by the exercise of the right of eminent domain shall be used exclusively for the purposes for which it was acquired. In all actions brought under this section to enforce the right of eminent domain, courts wherein such actions are brought may give such actions preference over all other civil actions in the matter of setting the same for hearing or trial and in hearing the same.

[1961 c 14 § 81.88.020. Prior: 1951 c 94 § 2; 1915 c 132 § 2; RRS § 9965.]

---

## **RCW 81.112.080**

### **Additional powers -- Acquisition of facilities -- Disposal of property--Rates, tolls, fares, charges.**

An authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To carry out the planning processes set forth in RCW 81.104.100;

(2) To acquire by purchase, **condemnation**, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate, and regulate the use of high capacity transportation facilities and properties within authority boundaries including surface, underground, or overhead railways, tramways, busways, buses, bus sets, entrained and linked buses, ferries, or other means of local transportation except taxis, and including escalators, moving sidewalks, personal rapid transit systems or other people-moving systems, passenger terminal and parking facilities and properties, and such other facilities and properties as may be necessary for passenger, vehicular, and vessel access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, **property**, equipment, and accessories necessary for such high capacity transportation systems. When developing specifications for high capacity transportation system operating equipment, an authority shall take into account efforts to establish or sustain a domestic manufacturing capacity for such equipment. The right of eminent domain shall be exercised by an authority in the same manner and by the same procedure as or may be provided by law for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter. Public transportation facilities and properties which are owned by any city, county, county transportation authority, public transportation benefit area, or metropolitan municipal corporation may be acquired or used by an authority only with the consent of the agency owning such facilities. Such agencies are hereby authorized to convey or lease such facilities to an authority or to contract for their joint use on such terms as may be fixed by agreement between the agency and the authority.

The facilities and properties of an authority whose vehicles will operate primarily within the rights of way of public streets, roads, or highways, may be acquired, developed, and operated without the corridor and design hearings that are required by \*RCW 35.58.273 for mass transit facilities operating on a separate right of way;

(3) To dispose of any real or personal **property** acquired in connection with any authority function and that is no longer required for the purposes of the authority, in the same manner as provided for cities of the first class. When an authority determines that a facility or any part thereof that has been acquired from any public agency without compensation is no longer required for authority purposes, but is required by the agency from which it was acquired, the authority shall by resolution transfer it to such agency;

(4) To fix rates, tolls, fares, and charges for the use of such facilities and to establish various routes and classes of service. Fares or charges may be adjusted or eliminated for any distinguishable class of users.

[1992 c 101 § 8.]

#### NOTES:

\*Reviser's note: RCW 35.58.273 was repealed by 2002 c 6 § 2.

---

#### RCW 82.45.010

##### "Sale" defined.

(1) As used in this chapter, the term "sale" shall have its ordinary meaning and shall include any



conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real **property**, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real **property**, including standing timber, or any estate or interest therein or other contract under which possession of the **property** is given to the purchaser, or any other person at the purchaser's direction, and title to the **property** is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real **property** located in this state for a valuable consideration. For purposes of this subsection, all acquisitions of persons acting in concert shall be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department of revenue shall adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department shall consider the following:

(a) Persons shall be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(b) When persons are not commonly owned or controlled, they shall be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions shall be considered separate acquisitions.

(3) The term "sale" shall not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer of any leasehold interest other than of the type mentioned above.

(c) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real **property**, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(d) The partition of **property** by tenants in common by agreement or as the result of a court decree.

(e) The assignment of **property** or interest in **property** from one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a **property** settlement agreement.

(f) The assignment or other transfer of a vendor's interest in a contract for the sale of real **property**, even though accompanied by a conveyance of the vendor's interest in the real **property** involved.

(g) Transfers by appropriation or decree in **condemnation** proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(h) A mortgage or other transfer of an interest in real **property** merely to secure a debt, or the assignment thereof.

(i) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(j) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(k) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(l) The sale of any grave or lot in an established cemetery.

(m) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(n) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(o) A transfer of real **property**, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or children: PROVIDED, That if thereafter such transferee corporation or partnership voluntarily transfers such real **property**, or such transferor, spouse, or children voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (1) the transferor and/or the transferor's spouse or children, (2) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (3) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes shall become due and payable on the original transfer as otherwise provided by law.

(p)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of section 332, 337, 351, 368(a)(1), 721, or 731 of the Internal Revenue Code of 1986, as amended.

(ii) However, the transfer described in (p)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (p)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or **property** in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(p)(ii) does not apply to that part of the transfer involving **property** received that is the real **property** interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real **property** or belong to the entity at a time when real **property** was purchased receive cash or personal **property** in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(p)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

[2000 2nd sp.s. c 4 § 26; 1999 c 209 § 2; 1993 sp.s. c 25 § 502; 1981 c 93 § 1; 1970 ex.s. c 65 § 1; 1969 ex.s. c 223 § 28A.45.010. Prior: 1955 c 132 § 1; 1953 c 94 § 1; 1951 2nd ex.s. c 19 § 1; 1951 1st ex.s. c 11 § 7. Formerly RCW 28A.45.010, 28.45.010.]

**NOTES:**

**Findings -- Construction -- 2000 2nd sp.s. c 4 §§ 18-30:** See notes following RCW 81.112.300.

**Intent -- 1999 c 209:** "In chapter 25, Laws of 1993 sp. sess., the legislature found that transfer of ownership of entities can be equivalent to the sale of real **property** held by the entity. The legislature further found that all transfers of possession or use of real **property** should be subject to the same excise tax burdens.

The legislature intended to apply the real estate excise tax of chapter 82.45 RCW to transfers of entity ownership when the transfer of entity ownership is comparable to the sale of real **property**. The legislature intends to equate the excise tax burdens on all sales of real **property** and transfers of entity ownership essentially equivalent to a sale of real **property** under chapter 82.45 RCW." [1999 c 209 § 1.]

**Findings -- Intent--1993 sp.s. c 25:** "(1) The legislature finds that transfers of ownership of entities may be essentially equivalent to the sale of real **property** held by the entity. The legislature further finds that all transfers of possession or use of real **property** should be subject to the same excise tax burdens.

(2) The legislature intends to apply the real estate excise tax of chapter 82.45 RCW to transfers of entity ownership when the transfer of entity ownership is comparable to the sale of real **property**. The legislature intends to equate the excise tax burdens on all sales of real **property** and transfers of entity ownership essentially equivalent to a sale of real **property** under chapter 82.45 RCW." [1993 sp.s. c 25 § 501.]

**Severability -- Effective dates--Part headings, captions not law--1993 sp.s. c 25:** See notes following RCW 82.04.230.

**Effective date -- 1981 c 93 § 2:** "Section 2 of this act shall take effect September 1, 1981." [1981 c 93 § 3.]

**Effective date -- Severability -- 1970 ex.s. c 65:** See notes following RCW 82.03.050.

**RCW 84.38.130****When deferred assessments or taxes become payable.**

Special assessments and/or real **property** tax obligations deferred under this chapter shall become payable together with interest as provided in RCW 84.38.100:

(1) Upon the sale of **property** which has a deferred special assessment and/or real **property** tax lien upon it.

(2) Upon the death of the claimant with an outstanding deferred special assessment and/or real **property** tax lien except a surviving spouse who is qualified under this chapter may elect to incur the special assessment and/or real **property** tax lien which shall then be payable by that spouse as provided in this section.

(3) Upon the **condemnation** of **property** with a deferred special assessment and/or real **property** tax lien upon it by a public or private body exercising eminent domain power, except as otherwise provided in RCW 84.60.070.

(4) At such time as the claimant ceases to reside permanently in the residence upon which the deferral has been granted.

(5) Upon the failure of any condition set forth in RCW 84.38.030.

[1984 c 220 § 26; 1975 1st ex.s. c 291 § 38.]

## **RCW 84.60.050**

### **Acquisition by governmental unit of property subject to tax lien or placement under agreement or order of immediate possession or use -- Effect.**

(1) When real **property** is acquired by purchase or **condemnation** by the state of Washington, any county or municipal corporation or is placed under a recorded agreement for immediate possession and use or an order of immediate possession and use pursuant to RCW 8.04.090, such **property** shall continue to be subject to the tax lien for the years prior to the year in which the **property** is so acquired or placed under such agreement or order, of any tax levied by the state, county, municipal corporation or other tax levying public body, except as is otherwise provided in RCW 84.60.070.

(2) The lien for taxes applicable to the real **property** being acquired or placed under immediate possession and use for the year in which such real **property** is so acquired or placed under immediate possession and use shall be for only the pro rata portion of taxes allocable to that portion of the year prior to the date of execution of the instrument vesting title, date of recording such agreement of immediate possession and use, date of such order of immediate possession and use, or date of judgment. No taxes levied or tax lien on such **property** allocable to a period subsequent to the dates identified in this subsection shall be valid and any such taxes levied shall be canceled as provided in RCW 84.48.065. In the event the owner has paid taxes allocable to that portion of the year subsequent to the dates identified in this subsection he or she shall be entitled to a pro rata refund of the amount paid on the **property** so acquired or placed under a recorded agreement or an order of immediate possession and use. If the dates identified in this subsection precede February 15th of the year in which such taxes become payable, no lien for such taxes shall be valid and any such taxes levied but not payable shall be canceled as provided in RCW 84.48.065.

[1994 c 301 § 54; 1994 c 124 § 39; 1971 ex.s. c 260 § 2; 1967 ex.s. c 145 § 36; 1961 c 15 § 84.60.050. Prior: 1957 c 277 § 1.]

## **NOTES:**

**Severability -- 1967 ex.s. c 145:** See RCW 47.98.043.

Exemption of **property** under order of immediate possession and use: RCW 84.36.010.

## **RCW 85.05.070**

### **Eminent domain -- Powers of district.**

All diking districts organized under the provisions of this act shall have the right of eminent domain with the power by and through its board of commissioners to cause to be **condemned** and appropriated private **property** for the use of said organization, in the construction and maintenance of a system of dikes and make just compensation therefor; that the **property** of private corporations may be subjected to the same rights of eminent domain as private individuals, and said board of commissioners shall have the power to acquire by purchase all of the real **property** necessary to make the improvements provided

for by this act. All diking districts and the commissioners thereof now organized and existing, and all diking districts hereafter to be organized, and the commissioners thereof shall have in addition to the rights, powers and authority now conferred by any law of this state:

(1) The right, power and authority to straighten, widen, deepen and improve any and all rivers, watercourses or streams, whether navigable or otherwise, flowing through or located within the boundaries of such diking district, or any rivers, watercourses or streams which shall at any time by their overflow damage the land within the boundaries of any such diking district.

(2) To construct all needed and auxiliary dikes, drains, ditches, canals, flumes, locks and all other necessary artificial appliances, wherever situated, in the construction of a diking system and which may be necessary or advisable to protect the land in any diking district from overflow, or to provide an efficient system of drainage for the land situated within such diking district, or to assist and become necessary in the preservation and maintenance of such diking system.

(3) In the accomplishment of the foregoing objects, the commissioners of such diking districts are hereby given, in addition to the right and power of eminent domain now conferred by law upon the commissioners of any diking district, the right, power and authority by purchase, or the exercise of the power and authority of eminent domain, or otherwise, to acquire all necessary or needed rights of way in the straightening, deepening or widening of such rivers, watercourses or streams, and such auxiliary drains, ditches or canals hereinabove mentioned, and when so acquired shall have and are hereby given the right, power and authority, by and with the consent and approval of the United States government, in cases where such consent is necessary, to divert, alter or change the bed or course of any such river, watercourse or stream aforesaid, or to deepen or widen the same.

All diking districts and the commissioners thereof are further given the right, power and authority to join and contract with any other diking district or districts for the joint construction of any of the foregoing works, appliances, or improvements, whether such works, appliances or improvements are located within the boundaries of any or all of the contracting districts.

[1939 c 117 § 1; 1915 c 153 § 1; 1907 c 95 § 1; 1895 c 117 § 7; RRS § 4243. Prior: 1883 p 30 § 1; Code 1881 § 2523. Formerly RCW 85.04.410.]

## **RCW 85.06.070**

### **Eminent domain powers -- Purchase of real property authorized.**

All drainage districts organized or that may hereafter be organized under the provisions of this chapter or the acts amendatory thereof shall have the right of eminent domain, with the power by and through its board of commissioners, to cause to be **condemned** and appropriated private **property** for the use of said corporation in the construction and maintenance of a system or systems of drainage, and make just compensation therefor, and such right of eminent domain may be exercised either within or without the boundaries of such districts, and may be exercised with respect to rights of way for ditches, drains, dams, outlets or any other necessary appliances or structures and whether for the original system or any additions, enlargements or extensions thereof or for additional outlets or systems of drainage: PROVIDED, That the **property** of private corporations may be subjected to the same rights of eminent domain as that of private individuals: PROVIDED, FURTHER, That the said board of commissioners shall have the power to acquire by purchase all the real **property** necessary to make the improvements herein provided for.

[1919 c 179 § 2; 1895 c 115 § 7; RRS § 4305. Formerly RCW 85.04.605, part.]

**RCW 85.06.660****Additional improvements -- Resolution -- Notice and hearing -- Protests -- Appellate review, conclusiveness of order of board.**

Whenever the board of commissioners of any district desire[s] to exercise any of the foregoing powers under \*this act, it shall pass a resolution declaring its intention to do so, which shall describe in general terms the proposed improvement to be undertaken. The resolution shall set a date upon which the board shall meet to determine whether such work shall be done. Thereafter a copy of such declaratory resolution and a notice of hearing shall be posted by the secretary or member of the board, in three public places in such district at least ten days before the date of hearing. The notice shall state the time and place of hearing and that plans therefor are on file with the secretary of the board subject to inspection by any party interested.

Any **property** owner affected by such proposed improvement, or any **property** owner within such district, may appear at said hearing and object to said proposed improvement by filing a written protest against the proposed action of the board. The protest shall clearly state the basis thereof. At such hearing, which shall be public, the board shall give full consideration to the proposed project and all protests filed, and on said date or any adjourned date, take final action thereon. If protests be filed before said hearing by owners of more than forty percent of the **property** in said district, the board shall not have power to make the proposed improvement nor again initiate the same for one year. If the board determines to proceed with such project in its original or modified form, it shall thereupon adopt a resolution so declaring and adopt general plans therefor, which resolution may authorize the acquisition by **condemnation**, or otherwise, of the necessary rights and properties to complete the same. Any protestant who filed a written protest prior to said hearing may appeal from the order of the board, but to do so must, within ten days from the date of entering of such order, bring direct action in the superior court of the state of Washington in the county wherein such district is situated, against such board of directors in their official capacity, which action shall be prosecuted under the procedure for civil actions, with the right of appellate review, as provided in other civil actions. In any action so brought, the order of the board shall be conclusive of the regularity and propriety of the proceedings and all other matters except it shall be open to attack upon the ground of fraud, unfair dealing, arbitrary, or unreasonable action of the board.

[1988 c 202 § 75; 1971 c 81 § 160; 1935 c 170 § 3; RRS § 4342-3. Formerly RCW 85.04.620.]

**NOTES:**

\***Reviser's note:** "this act" refers to chapter 170, Laws of 1935, codified as RCW 85.06.640 through 85.06.700.

**Severability -- 1988 c 202:** See note following RCW 2.24.050.

**RCW 85.08.190****Eminent domain -- Consolidation of actions.**

For the purpose of taking or damaging **property** for the purposes of this chapter, counties shall have and exercise the power of eminent domain in behalf of the proposed improvement district, and the mode of procedure therefor shall be as provided by law for the **condemnation** of lands by counties for public highways: PROVIDED, That the county, at its option, pursuant to resolution to that end duly passed by the board of county commissioners, may unite in a single action, proceedings for the acquisition and

**condemnation** of different tracts of land required for rights of way which are held by separate owners. The court may, on motion of any party, consolidate into a single action separate suits for the **condemnation** of different tracts of land held by separate owners whenever from motives of economy or the expediting of business it appears advisable to do so. In such cases the jury shall render separate verdicts for the different tracts of land.

[1917 c 130 § 21; 1913 c 176 § 13; RRS § 4418.]

## **RCW 85.08.200**

### **Verdict to fix damages and benefits -- Judgment.**

The jury in such **condemnation** proceedings shall find and return a verdict for the amount of damages sustained: PROVIDED, That the jury, in determining the amount of damages, shall take into consideration the benefits, if any, that will accrue to the **property** damaged by reason of the proposed improvement, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of benefits that will accrue. If it shall appear by the verdict of the jury that the gross damages exceed the gross benefits, judgment shall be entered against the county, and in favor of the owner or owners of the **property** damaged, in the amount of the excess of damages over the benefits, and for the costs of the proceedings, and upon payment of the judgment into the registry of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the **property** appropriated in the county for the benefit of the improvement district. If it shall appear by the verdict that the gross benefits as found by the jury equal or exceed the gross damages, judgment shall be entered against the county and in favor of the owner or owners for the costs only, and upon payment of the judgment for costs a decree of appropriation shall be entered, vesting the title to the **property** appropriated in the county for the benefit of the improvement district. The verdict and findings of the jury as to damages and benefits shall be binding upon the board appointed to apportion the cost of the improvement upon the **property** benefited as hereinafter provided.

[1913 c 176 § 14; RRS § 4419.]

## **RCW 85.24.260**

### **Acquisition of property -- Eminent domain.**

The districts organized under the provisions of this chapter, and the commissioners appointed and qualified as such shall have the right of eminent domain with the power by and through the board of commissioners to **condemn** and cause to be **condemned** and appropriated private **property** for the use of said district in the construction and maintenance of the system of dikes, drains, flood dams and drift barriers, and for any other purpose proper, necessary and convenient for the purpose of carrying into effect the powers vested in said district and the commissioners thereof; and that the **property** of private corporations shall be subject to the same rights of eminent domain as private individuals. Said board of commissioners shall also have the power to acquire by purchase, in the name of the district, any and all real **property** necessary to make the improvements herein provided for.

[1909 c 225 § 10; RRS § 4370. FORMER PART OF SECTION: 1909 c 225 §§ 12, 20, 27, now codified as RCW 85.24.261, 85.24.263, and 85.24.265.]

## **RCW 85.24.261**

### **Eminent domain -- Procedure.**

In the exercise of the right of eminent domain, all proceedings shall be prosecuted by the board of commissioners for and on behalf of the district, or in the name of the district itself, and such proceedings shall be conducted in the superior court of the county in which the lands sought to be **condemned** are situated, and shall be in the manner and in accordance with the procedure now provided by law regulating the mode of procedure to appropriate lands, real estate, or **property** by corporations for corporate purposes.

[1909 c 225 § 12; RRS § 4372. Formerly RCW 85.24.260, part.]

---

## **RCW 85.38.180**

### **Special districts -- Powers.**

A special district may:

(1) Engage in flood control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to prevent inundation or flooding from rivers, streams, tidal waters or other waters. Such facilities include dikes, levees, dams, banks, revetments, channels, canals, drainage ditches, tide gates, flood gates, and other works, appliances, machinery, and equipment.

(2) Engage in drainage control, storm water control, and surface water control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to control and treat storm water, surface water, and flood water. Such facilities include drains, flood gates, drainage ditches, tide gates, ditches, canals, nonsanitary sewers, pumps, and other works, appliances, machinery, and equipment.

(3) Engage in lake or river restoration, aquatic plant control, and water quality enhancement activities.

(4) Take actions necessary to protect life and **property** from inundation or flow of flood waters, storm waters, or surface waters.

(5) Acquire, purchase, **condemn** by power of eminent domain pursuant to chapters 8.08 and 8.25 RCW, or lease, in its own name, necessary **property**, **property** rights, facilities, and equipment.

(6) Sell or exchange surplus **property**, **property** rights, facilities, and equipment.

(7) Accept funds and **property** by loan, grant, gift, or otherwise from the United States, the state of Washington, or any other public or private source.

(8) Hire staff, employees, or services, or use voluntary labor.

(9) Sue and be sued.

(10) Cooperate with or join the United States, the state of Washington, or any other public or private entity or person for district purposes.

(11) Enter into contracts.

(12) Exercise any of the usual powers of a corporation for public purposes.



[2003 c 392 § 1; 1991 c 349 § 17; 1985 c 396 § 19.]

---

### **RCW 86.09.208**

#### **Eminent domain -- Consolidation of actions -- Separate verdicts.**

The district may at its option unite in a single action proceedings to **condemn**, for its use, **property** which is held by separate owners. Two or more **condemnation** suits instituted separately may also, in the discretion of the court, be consolidated upon motion of any interested party, into a single action. In such cases, the jury shall render separate verdicts for the different tracts of land.

[1937 c 72 § 70; RRS § 9663E-70. Formerly RCW 86.08.320, part.]

---

### **RCW 86.09.211**

#### **Eminent domain -- Damages, how determined -- Judgment when damages exceed benefits.**

The jury, or court if the jury be waived, in such **condemnation** proceedings shall find and return a verdict for the amount of damages sustained: PROVIDED, That the court or jury, in determining the amount of damages, shall take into consideration the special benefits, if any, that will accrue to the **property** damaged by reason of the improvement for which the land is sought to be **condemned**, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of special benefits that will accrue. If it shall appear by the verdict of findings, that the gross damages exceed said gross special benefits, judgment shall be entered against the district, and in favor of the owner or owners of the **property** damaged, in the amount of the excess of damages over said benefits, and for the costs of the proceedings, and upon payment of the judgment to the clerk of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the **property** appropriated in the district.

[1937 c 72 § 71; RRS § 9663E-71. Formerly RCW 86.08.330, part.]

---

### **RCW 86.12.020**

#### **Authority to make improvements -- Condemnation.**

Said fund shall be expended for the purposes in this chapter provided. Any county, for the control of waters subject to flood conditions from streams, tidal or other bodies of water affecting such county, may inside or outside the boundaries of such county, construct, operate and maintain dams and impounding basins and dikes, levees, revetments, bulkheads, rip-rap or other protection; may remove bars, logs, snags and debris from and clear, deepen, widen, straighten, change, relocate or otherwise improve and maintain stream channels, main or overflow; may acquire any real or personal **property** or rights and interest therein for the prosecution of such works or to preserve any flood plain or regular or intermittent stream channels from any interference to the free or natural flow of flood or storm water; and may construct, operate and maintain any and all other works, structures and improvements necessary for such control; and for any such purpose may purchase, **condemn** or otherwise acquire land, **property** or rights, including beds of nonnavigable waters and state, county and school lands and **property** and may damage any land or other **property** for any such purpose, and may **condemn** land and other **property** and rights and interests therein and damage the same for any other public use after just compensation having been first made or paid into court for the owner in the manner prescribed in this chapter. The purposes in this chapter specified are hereby declared to be county purposes.

[1970 ex.s. c 30 § 10; 1941 c 204 § 9; 1935 c 162 § 1; 1919 c 109 § 1; 1907 c 66 § 2; Rem. Supp. 1941 § 9626.]

## NOTES:

**Severability -- 1970 ex.s. c 30:** See RCW 36.89.911.

Authority and power of counties are supplemental: RCW 36.89.062.

Storm water control facilities, county powers and authority: Chapter 36.89 RCW.

## RCW 86.12.030

### Eminent domain, how exercised.

The taking and damaging of land, **property** or rights therein or thereto by any county, either inside or outside of such county, for flood control purposes of the county is hereby declared to be for a public use. Such eminent domain proceedings shall be in the name of the county, shall be had in the county where the **property** is situated, and may unite in a single action proceedings to **condemn** for county use **property** held by separate owners, the jury to return separate verdicts for the several lots, tracts or parcels of land, or interest therein, so taken or damaged. The proceedings may conform to the provisions of \*sections 921 to 926, inclusive, of Remington's Revised Statutes, or to any general law now or hereafter enacted governing eminent domain proceedings by counties. The title so acquired by the county shall be the fee simple title or such lesser estate as shall be designated in the decree of appropriation. The awards in and costs of such proceedings shall be payable out of the river improvement fund.

[1941 c 204 § 10; 1907 c 66 § 3; Rem. Supp. 1941 § 9627.]

## NOTES:

**\*Reviser's note:** "Sections 921 to 926, inclusive, of Remington's Revised Statutes" (except for section 923) are codified as RCW 8.20.010 through 8.20.080. Section 923 was repealed by 1935 c 115 § 1 but compare the first paragraph of RCW 8.28.010 relating to the same subject matter as the repealed section.

## RCW 86.13.040

### Eminent domain -- Procedure -- Acquisition by purchase authorized.

When such a contract shall have been entered into the power of eminent domain is hereby vested in each of such counties, to acquire any lands necessary to straighten, widen, deepen, dike or otherwise improve any such river, its tributaries or outlet or to strengthen the banks thereof, or to acquire any land adjacent to such river, or its tributaries, or the right to cut and remove timber upon the same for the purpose of preventing or lessening the falling of timber or brush into the waters of such river or tributaries, or to acquire any rock quarry, gravel deposit or timber for material for the prosecution of such improvement, together with the necessary rights of way for the same, or to acquire any dam site or other **property** necessary for flood control purposes. Any such land, **property** or rights may be acquired by purchase instead of by **condemnation** proceedings. Said right of eminent domain shall extend to lands or other **property** owned by the state or any municipality thereof. The title to any such lands, **property** or rights so acquired shall vest in the county in which situate for the benefit of such enterprise and said fund, but when said contract shall have terminated by lapse of time or for any other reason, then such title shall be held by such county independent of any claims whatsoever of the other county, but any material, equipment or other chattel **property** on hand shall be converted into money and the money divided

between the two counties in the ratio of their respective contributions to the fund. The exercise of such rights of eminent domain or purchase shall rest in the joint control of the two boards of county commissioners. Such eminent domain proceedings shall be in the name of and had in the county where the **property** to be acquired is situate: PROVIDED, If either county shall fail or refuse to institute and prosecute any **condemnation** proceedings when directed so to do by any legal meeting provided for in RCW 86.13.050, such proceeding may be instituted and prosecuted by and in the name of the other county. The proceedings may conform to the provisions of \*sections 921 to 926, inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, or to any general law now or hereafter enacted governing eminent domain proceedings by counties. The awards in and costs of such proceedings shall be payable out of such funds. The purposes in this act specified are hereby declared to be county purposes of each and both of such counties.

[1937 c 117 § 1; 1913 c 54 § 4; RRS § 9654. Formerly RCW 86.12.060, part, and 86.12.070.]

#### NOTES:

**\*Reviser's note:** "Sections 921 to 926, inclusive, of Remington & Ballinger's Annotated Codes and Statutes" (except for section 923) are codified as RCW 8.20.010 through 8.20.080. Section 923 was repealed by 1935 c 115 § 1 but compare the first paragraph of RCW 8.28.010 relating to the same subject matter as the repealed section.

---

#### RCW 86.15.080

##### General powers.

A zone or participating zone may:

- (1) Exercise all the powers vested in a county for flood water or storm water control purposes under the provisions of chapters 86.12, 86.13, 36.89, and 36.94 RCW: PROVIDED, That in exercising such powers, all actions shall be taken in the name of the zone and title to all **property** or **property** rights shall vest in the zone;
- (2) Plan, construct, acquire, repair, maintain, and operate all necessary equipment, facilities, improvements, and works to control, conserve, and remove flood waters and storm waters and to otherwise carry out the purposes of this chapter including, but not limited to, protection of the quality of water sources;
- (3) Take action necessary to protect life and **property** within the district from flood water damage;
- (4) Control, conserve, retain, reclaim, and remove flood waters and storm waters, including waters of lakes and ponds within the district, and dispose of the same for beneficial or useful purposes under such terms and conditions as the board may deem appropriate, subject to the acquisition by the board of appropriate water rights in accordance with the statutes;
- (5) Acquire necessary **property**, **property** rights, facilities, and equipment necessary to the purposes of the zone by purchase, gift, or **condemnation**: PROVIDED, That **property** of municipal corporations may not be acquired without the consent of such municipal corporation;
- (6) Sue and be sued in the name of the zone;
- (7) Acquire or reclaim lands when incidental to the purposes of the zone and dispose of such lands as

are surplus to the needs of the zone in the manner provided for the disposal of county **property** in chapter 36.34 RCW;

(8) Cooperate with or join with the state of Washington, United States, another state, any agency, corporation or political subdivision of the United States or any state, Canada, or any private corporation or individual for the purposes of this chapter;

(9) Accept funds or **property** by loan, grant, gift or otherwise from the United States, the state of Washington, or any other public or private source;

(10) Remove debris, logs, or other material which may impede the orderly flow of waters in streams or water courses: PROVIDED, That such material shall become **property** of the zone and may be sold for the purpose of recovering the cost of removal: PROVIDED FURTHER, That valuable material or minerals removed from public lands shall remain the **property** of the state.

[1983 c 315 § 13; 1961 c 153 § 8.]

#### NOTES:

**Severability -- 1983 c 315:** See note following RCW 90.03.500.

---

### Chapter 87.03 RCW IRRIGATION DISTRICTS GENERALLY

#### RCW SECTIONS

- 87.03.001 Actions subject to review by boundary review board.
- 87.03.005 District proposed -- Powers, when organized.
- 87.03.010 Certain purposes for which district may be formed.
- 87.03.013 Development of hydroelectric generation capabilities -- Legislative finding, intent -- Limitation.
- 87.03.015 Certain powers of district enumerated.
- 87.03.016 District may provide street lighting -- Limitations.
- 87.03.017 District may assist residential owners in financing for conservation of energy -- When -- Plan -- Limitations.
- 87.03.0175 District assistance for conservation, improvement, preservation, and efficient use.
- 87.03.018 Creation of legal authority to carry out powers -- Method -- Indebtedness.
- 87.03.019 Cooperative watershed management.
- 87.03.020 Organization of district -- Petition -- Bond -- Notice -- Hearing--Order -- Notice of election.
- 87.03.025 State lands situated in or taken into district -- Procedure -- Assessments, collection.
- 87.03.030 Elections are governed by irrigation district laws.
- 87.03.031 Absentee voting -- Certification of inconvenience.

- 87.03.032 Absentee voting -- Notice of election, contents -- Ballot and form of certificate of qualifications to be furnished.
- 87.03.033 Absentee voting -- Requirements for ballot to be counted -- Statement of qualifications -- Form of ballot.
- 87.03.034 Absentee voting -- How incoming ballots are handled -- Canvass -- Statement of result of both regular and absentee ballots.
- 87.03.035 Elections to form district -- How conducted.
- 87.03.040 Elections to form district -- Canvass of returns -- Order.
- 87.03.045 Qualifications of voters and directors -- Districts of two hundred thousand acres.
- 87.03.051 Qualifications of voters and directors -- Districts of less than two hundred thousand acres.
- 87.03.071 Certain districts -- Individual ownerships -- Two votes.
- 87.03.075 Ballots in all elections -- Declaration of candidacy -- Petition of nomination -- When election not required.
- 87.03.080 Directors -- Election -- Terms -- Increase and decrease.
- 87.03.081 Directors -- Vacancies, how filled.
- 87.03.082 Directors -- Oaths of office and official bonds -- Secretary.
- 87.03.083 Directors -- Recall and discharge.
- 87.03.085 Post-organization district elections -- Election boards -- Notice.
- 87.03.090 Post-organization district elections -- Election officers -- Voting hours.
- 87.03.095 Post-organization district elections -- Counting votes -- Record of ballots.
- 87.03.100 Post-organization district elections -- Certification of returns -- Preservation for recount.
- 87.03.105 Post-organization district elections -- Canvass.
- 87.03.110 Post-organization district elections -- Statement of result of election -- Certificate of election.
- 87.03.115 Organization of board -- Meetings -- Quorum -- Certain powers and duties.
- 87.03.120 System of drainage, sanitary sewers, or sewage disposal or treatment plants -- Question -- Notice -- Meeting -- Resolution.
- 87.03.125 System of drainage, sanitary sewers, or sewage disposal or treatment plants -- Powers upon passage of resolution.
- 87.03.130 District change of name.
- 87.03.135 Sale or lease of district personal **property**.
- 87.03.136 Sale or lease of district real **property**.
- 87.03.137 Purchase or **condemnation** for developing hydroelectric generation capabilities -- Limitations.
- 87.03.138 Civil immunity of directors, officers, employees, or agents for good faith performance of official duties.
- 87.03.139 Lawful disposal of sewage and waste by others -- Immunity.
- 87.03.140 Board's powers and duties generally -- **Condemnation** procedure.

- 87.03.145    **Condemnation** -- Finding of benefits and damages -- Judgment -- Costs.
- 87.03.150    **Condemnation** -- Title acquired by district.
- 87.03.155    Conveyances -- Actions by and against district.
- 87.03.158    Officers, employees, agents -- Legal representation -- Costs of defense.
- 87.03.160    Group insurance -- Purchase.
- 87.03.162    Liability insurance for officials and employees.
- 87.03.164    Liability insurance for officers and employees authorized.
- 87.03.165    Proposed works -- Surveys, maps and plans to be prepared.
- 87.03.170    Proposed works -- Certification filed with director of ecology.
- 87.03.175    Proposed works -- Director's findings to district board.
- 87.03.180    Proposed works -- Substance of director's findings.
- 87.03.185    Proposed works -- Reclamation Service may make findings.
- 87.03.190    Proposed works -- Plan of development -- Special election.
- 87.03.195    Proposed works -- Certain irrigation districts excepted.
- 87.03.200    Bonds -- Election for -- Form and contents -- Exchange -- Cancellation -- Sale and issue --  
Reissue -- Election concerning contract with United States -- Penalty.
- 87.03.205    Sections exclusive of other bonding methods -- Validation.
- 87.03.210    Sale or pledge of bonds.
- 87.03.215    Payment of bonds and interest, other indebtedness -- Lien, enforcement of -- Scope of  
section.
- 87.03.220    Refunding bonds, 1923 act.
- 87.03.225    Refunding bonds, 1929 act.
- 87.03.230    Revenue bonds for water, power, drains, sewers, sewage disposal, etc.
- 87.03.235    Rights of federal agencies as to certain district bonds.
- 87.03.240    Assessments, how and when made -- Assessment roll.
- 87.03.242    Exemption of farm and agricultural land from special benefit assessments.
- 87.03.245    Deputy secretaries for assessment.
- 87.03.250    Assessment roll to be filed -- Notice of equalization.
- 87.03.255    Equalization of assessments.
- 87.03.260    Levies, amount -- Special funds -- Failure to make levy, procedure.
- 87.03.265    Lien of assessment.
- 87.03.270    Assessments, when delinquent -- Assessment book, purpose -- Statement of assessments  
due -- Collection -- Additional fee for delinquency.
- 87.03.271    Lien for delinquent assessment to include costs and interest.
- 87.03.272    Secretary may act as collection agent of nondelinquent assessments -- Official bond --  
Collection procedure -- Delinquency list.

- 87.03.275 Medium of payment of assessments.
- 87.03.277 Payment by credit cards, charge cards, and other electronic communication.
- 87.03.280 Cancellation of assessments due United States -- Procedure.
- 87.03.285 Segregation of assessment -- Authorization.
- 87.03.290 Segregation of assessment -- Hearing.
- 87.03.295 Segregation of assessment -- Notice of hearing.
- 87.03.300 Segregation of assessment -- Order.
- 87.03.305 Segregation of assessment -- Amendment of roll -- Effect.
- 87.03.420 Evidence of assessment, what is.
- 87.03.430 Bonds -- Interest payments.
- 87.03.435 Construction work -- Notice -- Bids -- Contracts -- Bonds.
- 87.03.436 Small works roster.
- 87.03.437 Competitive bids -- Use of purchase contract process in RCW 39.04.190.
- 87.03.438 "County treasurer," "treasurer of the county," defined.
- 87.03.440 Treasurer -- County treasurer as ex officio district treasurer -- Designated district treasurer -- Duties and powers -- Bond -- Claims -- Preliminary notice requirements when claim for crop damage.
- 87.03.441 Temporary funds.
- 87.03.442 Bonds of secretary and depositaries.
- 87.03.443 Upgrading and improvement fund authorized -- Deposits -- Use of funds.
- 87.03.445 Acquisition, construction and operating funds -- Tolls and assessments, alternative methods of -- Liens, foreclosure of -- Delinquencies by tenants.
- 87.03.450 Income from sale of electricity.
- 87.03.455 District's right to cross other **property**.
- 87.03.460 Compensation and expenses of directors, officers, employees.
- 87.03.470 Special assessments -- Election -- Notes.
- 87.03.475 Power as to incurring indebtedness.
- 87.03.480 Local improvement districts -- Petition -- Bond.
- 87.03.485 Local improvement districts -- Notice -- Hearing -- Initiation by board, procedure.
- 87.03.486 Local improvement districts -- Notice to contain statement that assessments may vary from estimates.
- 87.03.487 Local improvement districts -- Sanitary sewer or potable water facilities -- Notice to certain **property** owners.
- 87.03.490 Local improvement districts -- Adoption of plan -- Bonds -- Form and contents -- Facsimile signatures, when, procedure -- New lands may be included -- Penalty.
- 87.03.495 Local improvement districts -- Assessments, how made and collected -- Disposal of bonds.
- 87.03.500 Local improvement districts -- Payment of bonds.

- 87.03.505 Local improvement districts -- L.I.D. unable to pay costs -- Survey -- Reassessments.
- 87.03.510 Local improvement districts -- Irrigation district L.I.D. guarantee fund.
- 87.03.515 Local improvement districts -- Refunding bonds.
- 87.03.520 Local improvement districts -- Contracts with state or United States for local improvement work.
- 87.03.522 Irrigation district authorized to finance local improvements with general district funds.
- 87.03.525 Local improvement districts -- Provisions applicable to districts formerly organized.
- 87.03.526 Local improvement districts -- Safeguarding open canals or ditches -- Assessments and benefits.
- 87.03.527 Local improvement districts -- Alternative methods of formation.
- 87.03.530 Consolidation of irrigation districts -- Authorization -- Merger of smaller irrigation districts.
- 87.03.535 Consolidation of irrigation districts -- Proceedings for consolidation -- Elections.
- 87.03.540 Consolidation of irrigation districts -- Directors -- Disposition of affairs of included districts.
- 87.03.545 Consolidation of irrigation districts -- Obligations of included districts unaffected.
- 87.03.550 Consolidation of irrigation districts -- **Property** vested in new district -- Credit.
- 87.03.551 Consolidation of irrigation districts -- Procedures supplemental to boundary change provisions.
- 87.03.553 Consolidated local improvement districts for bond issuance.
- 87.03.555 Change of boundaries authorized -- Effect.
- 87.03.560 Adding lands to district -- Petition, contents -- Acknowledgment.
- 87.03.565 Adding lands to district -- Notice -- Contents -- Service.
- 87.03.570 Adding lands to district -- Hearing -- Assent.
- 87.03.575 Adding lands to district -- Payment for benefits received required.
- 87.03.580 Adding lands to district -- Order.
- 87.03.585 Adding lands to district -- Resolution.
- 87.03.590 Adding lands to district -- Election -- Notice -- How conducted.
- 87.03.595 Adding lands to district -- Order changing boundaries -- Record.
- 87.03.600 Adding lands to district -- Change of boundaries recorded -- Effect.
- 87.03.605 Adding lands to district -- Petition to be recorded -- Admissible as evidence.
- 87.03.610 Adding lands to district -- Guardian, administrator or executor may act.
- 87.03.615 Adding lands to districts of two hundred thousand acres -- Petition.
- 87.03.620 Adding lands to districts of two hundred thousand acres -- Time and place of hearing -- Notice.
- 87.03.625 Adding lands to districts of two hundred thousand acres -- Contents of notice.
- 87.03.630 Adding lands to districts of two hundred thousand acres -- Hearing -- Order including



lands.

- 87.03.635 Adding lands to districts of two hundred thousand acres -- Denial of petition.
- 87.03.640 Adding lands to districts of two hundred thousand acres -- Order filed -- Effect.
- 87.03.645 Exclusion of lands from district -- Effect.
- 87.03.650 Exclusion of lands from district -- Petition to exclude lands -- Contents.
- 87.03.655 Exclusion of lands from district -- Notice -- Contents -- Service.
- 87.03.660 Exclusion of lands from district -- Hearing -- Assent.
- 87.03.665 Exclusion of lands from district -- Order denying or granting petition.
- 87.03.670 Exclusion of lands from district -- Assent of bondholders.
- 87.03.675 Exclusion of lands from district -- Order for election -- Notice -- Conduct of election.
- 87.03.680 Exclusion of lands from district -- Procedure following election -- Order of exclusion.
- 87.03.685 Exclusion of lands from district -- Orders to be recorded -- Effect.
- 87.03.690 Exclusion of lands from district -- Guardian, executor or administrator may sign and acknowledge.
- 87.03.695 Exclusion of lands from district -- Refunds -- Cancellation of assessments.
- 87.03.700 Connecting system to lower drainage district -- Procedure.
- 87.03.705 Connecting system to lower drainage district -- Negative finding by jury or court.
- 87.03.710 Connecting system to lower drainage district -- Affirmative finding by jury or court -- Assessments.
- 87.03.715 Connecting system to lower drainage district -- Increased maintenance costs.
- 87.03.720 Merger of district with drainage, joint drainage, consolidated drainage improvement, or water-sewer district -- Power to assent.
- 87.03.725 Merger of district with drainage, joint drainage, consolidated drainage improvement, or water-sewer district -- Notice -- Contents -- Publication -- Show cause against merger.
- 87.03.730 Merger of district with drainage, joint drainage, or consolidated drainage improvement district -- Hearing -- Failure to show cause deemed assent.
- 87.03.735 Merger of district with drainage, joint drainage, or consolidated drainage improvement district -- Assent, refusal to assent -- Effect of show cause against merger.
- 87.03.740 Merger of district with drainage, joint drainage, or consolidated drainage improvement district -- Election.
- 87.03.745 Merger of district with drainage, joint drainage, or consolidated drainage improvement district -- Order of assent or refusal -- Filing.
- 87.03.750 Exclusion of nonirrigable land when state holds all outstanding bonds -- Resolution.
- 87.03.755 Exclusion of nonirrigable land when state holds all outstanding bonds -- Notice of hearing -- Contents.
- 87.03.760 Exclusion of nonirrigable land when state holds all outstanding bonds -- Adoption of resolution -- Appellate review.
- 87.03.765 Exclusion of nonirrigable land when state holds all outstanding bonds -- Indebtedness may

be reduced.

- 87.03.770 Exclusion of nonirrigable land when state holds all outstanding bonds -- Reconveyance of excluded land formerly foreclosed to district.
- 87.03.775 Map of district.
- 87.03.780 Proceedings for judicial confirmation -- Authorization.
- 87.03.785 Proceedings for judicial confirmation -- Petition -- Contents.
- 87.03.790 Proceedings for judicial confirmation -- Notice of hearing.
- 87.03.795 Proceedings for judicial confirmation -- Demurrer or answer -- Procedure.
- 87.03.800 Proceedings for judicial confirmation -- Jurisdiction of court -- Order -- Costs.
- 87.03.805 Proceedings for judicial confirmation -- Appeal.
- 87.03.810 Lump sum payment to district for irrigable lands acquired for highway purposes.
- 87.03.815 Lump sum payment to district for irrigable lands acquired for highway purposes -- Order relieving further district assessments.
- 87.03.820 Disposal of real **property** -- Right of adjacent owners.
- 87.03.825 Hydroelectric resources -- Development -- Legislative findings.
- 87.03.828 Hydroelectric resources -- Separate legal authority -- Creation by irrigation districts and cities, towns, or public utility districts -- Powers.
- 87.03.831 Hydroelectric resources -- Separate legal authority -- Procedures for membership and for construction and acquisition of facilities.
- 87.03.834 Hydroelectric resources -- Separate legal authority -- Voter ratification of actions.
- 87.03.837 Hydroelectric resources -- Separate legal authority -- Repayment of indebtedness -- Powers.
- 87.03.840 Chapter supplementary -- When.
- 87.03.845 Merger of minor irrigation district into major irrigation district -- Proceedings to initiate -- Notice -- Hearing.
- 87.03.847 Merger of minor irrigation district into major irrigation district -- Denial or adoption of request for merger--Notice--Elections -- Notification of merger.
- 87.03.849 Merger of minor irrigation district into major irrigation district -- Board of directors -- Transfer of **property** and assets.
- 87.03.851 Merger of minor irrigation district into major irrigation district -- Bonds or obligations not impaired -- Enforcement of assessments and obligations -- Establishment of local improvement district to carry out obligations.
- 87.03.853 Merger of minor irrigation district into major irrigation district -- Statement of **property** and assets of minor district.
- 87.03.855 Merger of minor irrigation district into major irrigation district -- Merger of more than two districts.
- 87.03.857 Merger of minor irrigation district into major irrigation district -- Existing water rights not impaired.
- 87.03.860 Assumption of substandard water system -- Limited immunity from liability.

- 87.03.870 Mutual aid agreements for emergency interdistrict assistance -- Authority -- Liability.
- 87.03.880 Tariff for irrigation pumping service -- Authority to buy back electricity.
- 87.03.900 Construction -- 1913 c 165.
- 87.03.905 Severability -- 1921 c 129.
- 87.03.910 Severability -- 1923 c 138.
- 87.03.915 Severability -- 1935 c 128.

## NOTES:

**Reviser's note:** The language "this act," "this chapter," and words of similar import appear throughout chapter 87.03 RCW. This chapter is almost entirely comprised of the basic irrigation act of 1889-90 p 671 et seq. as amended and as expressly added thereto by subsequent enactments. The chapter is codified in the session law order of the basic act with a few independent sections which are in pari materia being also codified herein. Many sections were added to the basic law by being expressly added to the chapter of the code or compilation in which the basic act was currently published at the time of the particular enactment. Similarly many sections have been amended by reference to the compilation number only. Some of these sections contain legislative language "this act," "this chapter," or both, which appear in the session law either as original legislative language or reenactments by the legislature of a compiler's translation. Therefore, throughout chapter 87.03 RCW such language is retained wherever it appears in the most recent session law enactment. Situations concerning effective dates of particular acts or having express restrictive application are otherwise specially noted.

Deferral of special assessments: Chapter 84.38 RCW.

Disposal of real **property** on abandonment of irrigation district right of way -- Right of adjacent owners: RCW 57.90.100.

Local governmental organizations, actions affecting boundaries, etc., review by boundary review board: Chapter 36.93 RCW.

Plats, approval of plat within irrigation districts prohibited without provision for irrigation water: RCW 58.17.310.

Special purpose districts, expenditures to recruit job candidates: RCW 42.24.170.

---

### **RCW 87.03.018**

#### **Creation of legal authority to carry out powers -- Method -- Indebtedness.**

Two or more irrigation districts may create a separate legal authority to carry out any or all of the powers described in RCW 87.03.015. To enable such a legal authority to carry out its delegated powers, the irrigation districts creating the authority may assign, convey, or otherwise transfer to it any or all of their respective **property**, rights, or obligations, including, without limitation, the power to issue revenue obligations and the power of **condemnation**. Such a legal authority shall be created and organized by contract in the manner described in chapter 39.34 RCW and shall be a separate legal entity.

A separate legal authority shall only have power to incur indebtedness that is repayable from rates, tolls, charges, or contract payments for services or electricity provided by the authority and to pledge such revenues for the payment and retirement of indebtedness issued for the construction or acquisition

of hydroelectric facilities. An authority shall not have power to levy taxes or to impose assessments for the payment of obligations of the authority. Every bond or other evidence of indebtedness issued by an authority shall provide (1) that repayment shall be limited solely to the revenues of the authority; and (2) that no member of the authority shall be obligated to repay directly or indirectly any obligation of the authority except to the extent of fair value for services actually received from the authority. No member may pledge its revenues to support the issuance of revenue bonds or other indebtedness of an authority.

[1984 c 168 § 5; 1981 c 62 § 1.]

---

### **RCW 87.03.137**

#### **Purchase or condemnation for developing hydroelectric generation capabilities -- Limitations.**

For the purpose of developing hydroelectric generation capabilities in connection with irrigation facilities, the board of directors of an irrigation district shall have the power, in accordance with procedures provided in this chapter, to acquire, either by purchase or **condemnation**, or other legal means, all lands, waters, water rights, and other **property** located within or outside the boundaries of the district necessary for the construction, use, supply, maintenance, repair, or improvement of hydroelectric facilities to the extent authorized by RCW 87.03.015(1), as now or hereafter amended.

Irrigation districts are prohibited from **condemning**: (1) Any hydroelectric power plants, hydroelectric power sites, power lines or other power facilities or any lands, water rights, or other **property** of municipal and quasi municipal corporations, cooperatives authorized to engage in the business of distributing electricity, and electrical companies subject to the jurisdiction of the utilities and transportation commission; and (2) water rights held by private individual landowners where such waters are being put to beneficial use.

[1979 ex.s. c 185 § 4.]

#### **NOTES:**

**Effective date -- Severability -- 1979 ex.s. c 185:** See notes following RCW 87.03.013.

---

### **RCW 87.03.140**

#### **Board's powers and duties generally -- Condemnation procedure.**

The board, and its agents and employees, shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation or drainage works, power plants, power sites or power lines and the line for any canal or canals, and the necessary branches of laterals for the same, on any lands which may be deemed best for such location. Said board shall also have the power to acquire, either by purchase or **condemnation**, or other legal means, all lands, waters, water rights, and other **property** necessary for the construction, use, supply, maintenance, repair and improvements of said canal or canals and irrigation and drainage works, including canals and works constructed or being constructed by private owners, or any other person, lands for reservoirs for the storage of needful waters and all necessary appurtenances. The board may also construct the necessary dams, reservoirs and works for the collection of water for the said district, and may enter into contracts for a water supply to be delivered to the canals and works of the district, and do any and every lawful act necessary to be done in order to carry out the purposes of this act; and in carrying out the aforesaid purposes the bonds of the district may be used by the board, at not less than ninety percent of their par value in payment. The board may enter into any obligation or contract with the United States or with the state of Washington for the

supervision of the construction, for the construction, reconstruction, betterment, extension, sale or purchase, or operation and maintenance of the necessary works for the delivery and distribution of water therefrom under the provisions of the state reclamation act, or under the provisions of the federal reclamation act, and all amendments or extensions thereof, and the rules and regulations established thereunder, or it may contract with the United States for a water supply or for reclamation purposes in general under any act of congress which, for the purposes of this act, shall be deemed to include any act of congress for reclamation purposes heretofore or hereafter enacted providing for and permitting such contract, or for the collection of money due or to become due to the United States, or for the assumption of the control and management of the works; and in case contract has been or may hereafter be made with the United States, as herein provided, bonds of the district may be deposited with the United States as payment or as security for future payment at not less than ninety percent of their par value, the interest on said bonds to be provided for by assessment and levy as in the case of other bonds of the district, and regularly paid to the United States to be applied as provided in such contract, and if bonds of the district are not so deposited, it shall be the duty of the board of directors to include as part of any levy or assessment provided in RCW 87.03.260 an amount sufficient to meet each year all payments accruing under the terms of any such contract. The board may accept on behalf of the district appointment of the district as fiscal agent of the United States or the state of Washington or other authorization of the district by the United States or the state of Washington to make collections of money for or on behalf of the United States or the state of Washington in connection with any federal or other reclamation project, whereupon the district, and the county treasurer for the district, shall be authorized to so act and to assume the duties and liability incident to such action, and the said board shall have full power to do any and all things required by the federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of the federal government in regard thereto.

The use of all water required for the irrigation of the lands within any district, together with rights-of-way for canals, laterals, ditches, sites for reservoirs, power plants, sites, and lines, and all other **property** required in fully carrying out the purposes of the organization of the district is hereby declared to be a public use; and in **condemnation** proceedings to acquire any **property** or **property** rights for the use of the district, the board of directors shall proceed in the name of the district, in the manner provided in this state in cases of appropriation of lands, real estate and other **property** by private corporations: PROVIDED, That the irrigation district, at its option, pursuant to resolution to that end duly passed by its board of directors may unite in a single action proceedings for the acquisition and **condemnation** of different tracts of land needed by it for rights-of-way for canals, laterals, power plants, sites, and lines and other irrigation works which are held by separate owners. And the court may, on the motion of any party, consolidate into a single action separate suits for the **condemnation** of rights-of-way for such irrigation works whenever from motives of economy or the expediting of business it appears desirable so to do: PROVIDED FURTHER, That there shall be a separate finding of the court or jury as to each tract held in separate ownership.

In any **condemnation** proceeding brought under the provisions of this act to acquire canals, laterals and ditches and rights-of-way therefor, sites, reservoirs, power plants and pumping plants and sites therefor, power canals, transmission lines, electrical equipment and any other **property**, and if the owner or owners thereof or their predecessors shall have issued contracts or deeds agreeing to deliver to the holders of said contracts or deeds water for irrigation purposes, or authorizing the holders thereof to take or receive water for irrigation purposes from any portion of said **property** or works, and if the delivery of said water or the right to take or receive the same shall in any manner constitute a charge upon, or a right in the **property** and works sought to be acquired, or any portion thereof, the district shall be authorized to institute and maintain said **condemnation** proceedings for the purpose of acquiring said **property** and works, and the interest of the owners therein subject to the rights of the holders of such contracts or deeds, and the court or jury making the award shall determine and award to such owner or

owners the value of the interest to be so appropriated in said **condemnation** proceedings.

[1921 c 129 § 6; 1919 c 180 § 5; 1915 c 179 § 5; 1913 c 165 § 6; 1913 c 13 § 1; 1889-90 p 678 § 12; RRS § 7429. Formerly RCW 87.01.210, part and 87.08.080.]

#### NOTES:

Bonds of director, secretary or county treasurer when fiscal agent of United States: RCW 87.03.082.

Cancellation of assessments due United States -- Procedure: RCW 87.03.280.

Certain powers of district enumerated: RCW 87.03.015.

Certain purposes for which district may be formed: RCW 87.03.010.

**Condemnation** -- Title acquired by district (may be conveyed to United States or state): RCW 87.03.150.

Contracts with state or United States for local improvement work: RCW 87.03.520.

Districts right to cross other **property**: RCW 87.03.455.

Eminent domain by corporations: Chapter 8.20 RCW.

Federal reclamation laws: 43 USC §§ 371-498.

Indemnity to state on land settlement contracts: Chapter 87.48 RCW.

Reclamation Service may make findings: RCW 87.03.185.

State Reclamation Act: Chapter 89.16 RCW.

---

#### RCW 87.03.145

#### **Condemnation -- Finding of benefits and damages -- Judgment -- Costs.**

The jury, or the court if the jury be waived, in such **condemnation** proceedings shall find and return a verdict for the amount of damages sustained: PROVIDED, That the court or jury, in determining the amount of damages, shall take into consideration the special benefits, if any, that will accrue to the **property** damaged by reason of the proposed improvement, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of special benefits that will accrue. If it shall appear by the verdict or findings, that the gross damages exceed said gross benefits, judgment shall be entered against the district, and in favor of the owner or owners of the **property** damaged, in the amount of the excess of damages over said benefits, and for the costs of the proceedings, and upon payment of the judgment to the clerk of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the **property** appropriated in the irrigation district. If it shall appear by the verdict that the gross benefits equal or exceed the gross damages, judgment shall be entered against the district and in favor of the owner or owners for the costs only, and upon payment of the judgment for costs a decree of appropriation shall be entered, vesting the title to the **property** appropriated in the irrigation district. The verdict and findings of the court or jury as to damages and benefits shall be binding upon the board of directors of the irrigation district in their levy

of assessments to pay the cost of the irrigation system or improvements on behalf of which the **condemnation** was had: PROVIDED, That nothing herein contained shall be construed to prevent the district from assessing the remaining lands of the owner or owners, so damaged, for deficiencies on account of the principal and interest on bonds and for other benefits not considered by the jury in the **condemnation** proceedings. The damages thus allowed but not paid shall be applied pro tanto to the satisfaction of the levies made for such construction costs upon the lands on account of which the damages were awarded.

[1923 c 138 § 6; 1919 c 180 § 6; RRS § 7429-1. Formerly RCW 87.08.090.]

### **RCW 87.03.150**

#### **Condemnation -- Title acquired by district.**

The title to all **property** acquired under the provisions of this chapter shall immediately, and by operation of law, vest in such irrigation district and shall be held by such district in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this chapter; and said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said **property** as herein provided: PROVIDED, HOWEVER, That any **property** so acquired by the district may be conveyed to the United States, or the state of Washington, insofar as the same may be for the benefit of the district under any contract that may be entered into with the United States, or the state of Washington, pursuant to this act.

The title acquired by an irrigation district under the provisions of this act shall be the fee simple title or such lesser estate as shall be designated in the decree of appropriation.

[1921 c 129 § 7; 1917 c 162 § 3; 1915 c 179 § 6; 1889-90 p 679 § 13; RRS § 7430. Formerly RCW 87.08.170.]

#### **NOTES:**

Board's powers and duties (contracts with state or United States): RCW 87.03.140.

### **RCW 87.03.840**

#### **Chapter supplementary -- When.**

This chapter supplements and neither restricts nor limits any powers which a city, town, public utility district, or irrigation district might otherwise have under any laws of this state, except that no such authority created by RCW 87.03.828 and no city, town, or public utility district member of an authority may **condemn** for the benefit of the authority any plant, works, dam, facility, right, or **property** owned by any city, town, irrigation district, public utility district, or electrical company subject to the jurisdiction of the utilities and transportation commission.

[1983 c 47 § 3.]

#### **NOTES:**

**Severability -- 1983 c 47:** See note following RCW 87.03.825.

### **RCW 88.24.070**

#### **County acquisition by condemnation of right-of-way.**

In cases where a person or persons, firm or corporation has acquired a right, title or interest in and to the tidelands or other lands over which it is proposed to build, construct or maintain such wharf or landing, whether such interest be a title in fee simple or as lessee or under contract of purchase or otherwise, and the board of county commissioners shall be unable to agree with the person, persons, firm or corporation claiming such interest or title as to the compensation to be paid for the taking of such strip of tidelands or other lands, then and in that case such board of county commissioners may by an order direct proceedings to procure a right-of-way over said tidelands or other lands to be brought in the superior court by the prosecuting attorney in the manner provided by law, for the taking of private **property** for public use, and to that end are hereby authorized to institute and maintain in the name of the county the proceedings provided by the laws of this state for the appropriation of lands and other **property** by counties for public use.

[1903 c 20 § 3; RRS § 9619.]

---

## **RCW 89.08.220**

### **Corporate status and powers of district.**

A conservation district organized under the provisions of chapter 184, Laws of 1973 1st ex. sess. shall constitute a governmental subdivision of this state, and a public body corporate and politic exercising public powers, but shall not levy taxes or issue bonds and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of chapter 184, Laws of 1973 1st ex. sess.:

(1) To conduct surveys, investigations, and research relating to the conservation of renewable natural resources and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement: PROVIDED, That in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

(2) To conduct educational and demonstrational projects on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required in order to demonstrate by example the means, methods, measures, and works of improvement by which the conservation of renewable natural resources may be carried out;

(3) To carry out preventative and control measures and works of improvement for the conservation of renewable natural resources, within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of lands, and the measures listed in RCW 89.08.010, on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required;

(4) To cooperate or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of chapter 184, Laws of 1973 1st ex. sess. For purposes of this subsection only, land occupiers who are also district supervisors are not subject to the provisions of RCW 42.23.030;

(5) To obtain options upon and to acquire in any manner, except by **condemnation**, by purchase,



exchange, lease, gift, bequest, devise, or otherwise, any **property**, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of chapter 184, Laws of 1973 1st ex. sess.; and to sell, lease, or otherwise dispose of any of its **property** or interests therein in furtherance of the purposes and the provisions of chapter 184, Laws of 1973 1st ex. sess.;

(6) To make available, on such terms, as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to carry on operations upon their lands for the conservation of renewable natural resources;

(7) To prepare and keep current a comprehensive long-range program recommending the conservation of all the renewable natural resources of the district. Such programs shall be directed toward the best use of renewable natural resources and in a manner that will best meet the needs of the district and the state, taking into consideration, where appropriate, such uses as farming, grazing, timber supply, forest, parks, outdoor recreation, potable water supplies for urban and rural areas, water for agriculture, minimal flow, and industrial uses, watershed stabilization, control of soil erosion, retardation of water run-off, flood prevention and control, reservoirs and other water storage, restriction of developments of flood plains, protection of open space and scenery, preservation of natural beauty, protection of fish and wildlife, preservation of wilderness areas and wild rivers, the prevention or reduction of sedimentation and other pollution in rivers and other waters, and such location of highways, schools, housing developments, industries, airports and other facilities and structures as will fit the needs of the state and be consistent with the best uses of the renewable natural resources of the state. The program shall include an inventory of all renewable natural resources in the district, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected timetables, descriptions of available alternatives, and provisions for coordination with other resource programs.

The district shall also prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements and estimated funds needed to carry out the parts of the long-range programs that are of the highest priorities.

The districts shall hold public hearings at appropriate times in connection with the preparation of programs and plans, shall give careful consideration to the views expressed and problems revealed in hearings, and shall keep the public informed concerning their programs, plans, and activities. Occupiers of land shall be invited to submit proposals for consideration to such hearings. The districts may supplement such hearings with meetings, referenda and other suitable means to determine the wishes of interested parties and the general public in regard to current and proposed plans and programs of a district. They shall confer with public and private agencies, individually and in groups, to give and obtain information and understanding of the impact of district operations upon agriculture, forestry, water supply and quality, flood control, particular industries, commercial concerns and other public and private interests, both rural and urban.

Each district shall submit to the commission its proposed long-range program and annual work plans for review and comment.

The long-range renewable natural resource program, together with the supplemental annual work plans, developed by each district under the foregoing procedures shall have official status as the authorized program of the district, and it shall be published by the districts as its "renewable resources program". Copies shall be made available by the districts to the appropriate counties, municipalities, special purpose districts and state agencies, and shall be made available in convenient places for

examination by public land occupier or private interest concerned. Summaries of the program and selected material therefrom shall be distributed as widely as feasible for public information;

(8) To administer any project or program concerned with the conservation of renewable natural resources located within its boundaries undertaken by any federal, state, or other public agency by entering into a contract or other appropriate administrative arrangement with any agency administering such project or program;

(9) Cooperate with other districts organized under chapter 184, Laws of 1973 1st ex. sess. in the exercise of any of its powers;

(10) To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other source, and to use or expend such moneys, services, materials, or any contributions in carrying out the purposes of chapter 184, Laws 1973 1st ex. sess.;

(11) To sue and be sued in the name of the district; to have a seal which shall be judicially noticed; have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to borrow money and to pledge, mortgage and assign the income of the district and its real or personal **property** therefor; and to make, amend rules and regulations not inconsistent with chapter 184, Laws of 1973 1st ex. sess. and to carry into effect its purposes;

(12) Any two or more districts may engage in joint activities by agreement between or among them in planning, financing, constructing, operating, maintaining, and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, **property**, personnel, equipment, or services available to them under chapter 184, Laws of 1973 1st ex. sess.;

Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in such other states permits the districts in such states to enter into such agreements.

The commission shall have authority to propose, guide, and facilitate the establishment and carrying out of any such agreement;

(13) Every district shall, through public hearings, annual meetings, publications, or other means, keep the general public, agencies and occupiers of land within the district, informed of the works and activities planned and administered by the district, of the purposes these will serve, of the income and expenditures of the district, of the funds borrowed by the district and the purposes for which such funds are expended, and of the results achieved annually by the district; and

(14) The supervisors of conservation districts may designate an area, state, and national association of conservation districts as a coordinating agency in the execution of the duties imposed by this chapter, and to make gifts in the form of dues, quotas, or otherwise to such associations for costs of services rendered, and may support and attend such meetings as may be required to promote and perfect the organization and to effect its purposes.

[1999 c 305 § 8; 1973 1st ex.s. c 184 § 23; 1963 c 110 § 1; 1961 c 240 § 13; 1955 c 304 § 23. Prior: (i) 1939 c 187 § 8; RRS § 10726-8. (ii) 1939 c 187 § 13; RRS § 10726-13.]

---

**RCW 89.30.190****Eminent domain -- Joinder, consolidation of actions -- Separate verdicts.**

The district may at its option unite in a single action proceedings to **condemn**, for its use, **property** which is held by separate owners. Two or more **condemnation** suits instituted separately may also, in the discretion of the court, be consolidated upon motion of any interested party, into a single action. In such cases, the jury shall render separate verdicts for the different tracts of land.

[1927 c 254 § 64; RRS § 7402-64. Formerly RCW 89.22.820.]

---

**RCW 89.30.193****Eminent domain -- Damages and benefits -- Judgment when damages exceed benefits, costs.**

The jury, or the court if the jury be waived, in such **condemnation** proceedings shall find and return a verdict for the amount of damages sustained: PROVIDED, That the court or jury, in determining the amount of damages, shall take into consideration the special benefits, if any, that will accrue to the **property** damaged by reason of the improvement for which the land is sought to be **condemned**, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of special benefits that will accrue. If it shall appear by the verdict or findings, that the gross damages exceed said gross special benefits, judgment shall be entered against the district, and in favor of the owner or owners of the **property** damaged, in the amount of the excess of damages over said special benefits, and for the costs of the proceedings, and upon payment of the judgment to the clerk of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the **property** appropriated in the district.

[1927 c 254 § 65; RRS § 7402-65. Formerly RCW 89.22.830.]

---

**RCW 90.03.040****Eminent domain -- Use of water declared public use.**

The beneficial use of water is hereby declared to be a public use, and any person may exercise the right of eminent domain to acquire any **property** or rights now or hereafter existing when found necessary for the storage of water for, or the application of water to, any beneficial use, including the right to enlarge existing structures employed for the public purposes mentioned in this chapter and use the same in common with the former owner, and including the right and power to **condemn** an inferior use of water for a superior use. In **condemnation** proceedings the court shall determine what use will be for the greatest public benefit, and that use shall be deemed a superior one: PROVIDED, That no **property** right in water or the use of water shall be acquired hereunder by **condemnation** for irrigation purposes, which shall deprive any person of such quantity of water as may be reasonably necessary for the irrigation of his land then under irrigation to the full extent of the soil, by the most economical method of artificial irrigation applicable to such land according to the usual methods of artificial irrigation employed in the vicinity where such land is situated. In any case, the court shall determine what is the most economical method of irrigation. Such **property** or rights shall be acquired in the manner provided by law for the taking of private **property** for public use by private corporations.

[1917 c 117 § 4; RRS § 7354. Formerly RCW 90.04.030.]

**NOTES:**

Eminent domain by corporations: Chapter 8.20 RCW.

---

### **RCW 90.28.020**

#### **Right to back and hold waters over roads, streets, and alleys -- Relocation -- Acquisition of rights - - Abandonment.**

It shall be the duty of the department of transportation, if the road to be affected shall be a state highway, or of the county legislative authority of the county in which such road is located, if the road to be affected shall be a county road, or permanent highway, or of the council of any town in which the road is located, if the road to be affected shall be a street or alley, within thirty days after entry of said order or decree of public use and the filing of the bond mentioned in RCW 90.28.010, to enter an appropriate order or resolution directing the relocation and reestablishment and completion forthwith of such highway, road, street or alley in place of that so to be overflowed or inundated, and promptly thereafter to acquire all **property** and rights of way necessary therefor, instituting and diligently prosecuting such **condemnation** suits as may be necessary in order to secure such **property** and rights of way. The decision of the committee, board or council as to relocation and reestablishment set forth in such order or resolution shall be final and conclusive as to all matters and things set forth therein, including the question of public use and necessity in any and all **condemnation** suits to be brought under RCW 90.28.010 and 90.28.020. After the reestablishment and relocation of any such highway, road, street or alley and the construction and opening thereof in its entirety to public travel and the signing of the grant authorized in RCW 90.28.010, the state highway, county road or permanent highway, street or alley or such part thereof described in said grant shall be deemed to be abandoned and thereafter cease to be a highway, road, street or alley.

[1994 c 81 § 88; 1927 c 202 § 2; RRS § 7354-2.]

#### **NOTES:**

Eminent domain by corporations: Chapter 8.20 RCW.

Private ways of necessity: Chapter 8.24 RCW.

---

### **RCW 90.40.010**

#### **Eminent domain by the United States.**

The United States is hereby granted the right to exercise the power of eminent domain to acquire the right to the use of any water, to acquire or extinguish any rights, and to acquire any lands or other **property**, for the construction, operation, repairs to, maintenance or control of any plant or system of works for the storage, conveyance, or use of water for irrigation purposes, and whether such water, rights, lands or other **property** so to be acquired belong to any private party, association, corporation or to the state of Washington, or any municipality thereof; and such power of eminent domain shall be exercised under and by the same procedure as now is or may be hereafter provided by the law of this state for the exercise of the right of eminent domain by ordinary railroad corporations, except that the United States may exercise such right in the proper court of the United States as well as the proper state court.

[1905 c 88 § 1; RRS § 7408.]

#### **NOTES:**

**Condemnation** by corporations: Chapter 8.20 RCW.

Eminent domain, railroads -- Corporate powers and duties: RCW 81.36.010.

Special railroad eminent domain proceedings: RCW 8.20.140, 28B.20.330, 81.36.020, 81.36.060, 81.52.040, 81.53.180.

## Chapter 91.08 RCW PUBLIC WATERWAYS

### RCW SECTIONS

- 91.08.010 Public waterways authorized.
- 91.08.020 Accessible lands defined.
- 91.08.030 Petition -- By whom signed -- Contents -- Notice of filing -- Discharge of proceedings.
- 91.08.060 Cost bond filed with petition.
- 91.08.070 Petition may be amended -- Order for hearing -- Notice -- Record.
- 91.08.080 Hearing -- Findings -- Order.
- 91.08.090 Board's powers and duties -- In general -- County immune from expense.
- 91.08.100 Board's powers and duties -- Right of eminent domain.
- 91.08.110 Bridging part of cost.
- 91.08.120 Eminent domain -- Order to acquire or **condemn property**.
- 91.08.130 Eminent domain -- Petition to **condemn**.
- 91.08.140 Eminent domain -- Summons.
- 91.08.150 Eminent domain -- Service in case of public lands -- Legal counsel.
- 91.08.160 Eminent domain -- Finding of public use -- Jury -- Dismissal.
- 91.08.170 Eminent domain -- New parties may be admitted.
- 91.08.180 Eminent domain -- Jury may view **property**.
- 91.08.190 Eminent domain -- Measure of damage to buildings.
- 91.08.200 Eminent domain -- Findings as interests appear -- Interpleader.
- 91.08.210 Eminent domain -- Procedure after findings.
- 91.08.220 Eminent domain -- Substitution of new owner as defendant.
- 91.08.230 Eminent domain -- Guardian ad litem.
- 91.08.240 Eminent domain -- Damage irrespective of benefits.
- 91.08.250 Eminent domain -- Finality of judgment -- Appellate review -- Waiver of review.
- 91.08.260 Eminent domain -- Decree of appropriation.
- 91.08.270 Assessment procedure -- Petition -- Assessment commissioners.
- 91.08.280 Assessment procedure -- Oath and compensation of commissioners.
- 91.08.290 Assessment procedure -- Apportionment of assessment.
- 91.08.300 Assessment procedure -- Assessment roll.

- 91.08.310 Assessment procedure -- Order for hearing on roll -- Notice.
- 91.08.320 Assessment procedure -- Proof of service of notice.
- 91.08.330 Assessment procedure -- Cause may be continued.
- 91.08.340 Assessment procedure -- Hearing -- Findings -- Judgment.
- 91.08.350 Assessment procedure -- Roll may be recast -- New commissioners.
- 91.08.360 Assessment procedure -- Judgment separate as to each tract -- Effect of appeal.
- 91.08.370 Assessment procedure -- Roll certified to treasurer -- Interest on assessment upon appeal.
- 91.08.380 Assessment procedure -- Notice of filing roll.
- 91.08.390 Payment of assessment -- Alternate methods.
- 91.08.400 Payment of assessment -- Record of payment without interest.
- 91.08.410 Payment of assessment -- Installments -- Collection.
- 91.08.420 Payment of assessment -- Record of installment payments.
- 91.08.430 Payment of assessment -- Payment in full or in part -- Interest -- Segregation.
- 91.08.440 Payment of assessment -- Interest on last installment.
- 91.08.450 Payment of assessment -- Land taken for public use.
- 91.08.460 Payment of assessment -- Treasurer's report.
- 91.08.465 Bonds -- Authorized -- Purposes for issuance.
- 91.08.480 Bonds -- Terms, form, interest, execution.
- 91.08.485 Bonds -- Sale or exchange for par value.
- 91.08.490 Bonds -- Sale of.
- 91.08.500 Bonds -- Payment.
- 91.08.510 Bonds -- Recourse of owner limited to special assessment -- Bond to so state.
- 91.08.520 Invalidity of assessments -- Reassessment.
- 91.08.530 Construction -- Contractor's bond -- Bidder's deposit -- Claims.
- 91.08.540 Construction -- Installment payments -- Reserve.
- 91.08.550 Warrants.
- 91.08.560 Warrants -- Payment.
- 91.08.570 Public lands not devoted to public use to be treated as private lands.
- 91.08.575 Public lands not devoted to public use to be treated as private lands -- Assessment.
- 91.08.580 Appellate review.
- 91.08.590 Payment of assessments by satisfying judgment.
- 91.08.600 Purchase of filling material.
- 91.08.610 Surplus money in district fund transferred to road fund.
- 91.08.620 Unclaimed funds, disposal of.
- 91.08.630 Waterways as highways -- Control of.

91.08.640 Fees for serving process.

91.08.650 Enforcement.

91.08.660 Construction -- 1911 c 23.

#### **RCW 91.08.100**

##### **Board's powers and duties -- Right of eminent domain.**

Said board shall have the right of eminent domain for the acquisition of lands necessary to the construction or widening of the proposed waterway, and may cause all necessary lands to be **condemned** and appropriated or damaged for the use of said waterway, and make just compensation therefor. The private **property** of the state, the county, and other public or quasi-public corporations (except incorporated cities and towns), and of private corporations, shall be subject to the same rights of eminent domain at the suit of said board as the **property** of private individuals.

[1911 c 23 § 8; RRS § 9784.]

#### **RCW 91.08.120**

##### **Eminent domain -- Order to acquire or condemn property.**

Whenever the said board shall desire to **condemn** and acquire land, or damage lands or **property** for any purpose authorized by this chapter, said board shall make an order therefor wherein it shall be provided that such land or damages shall be paid for wholly by special assessment upon the **property** within said waterway district, and the proceeding thereafter shall be as herein specified.

[1911 c 23 § 10; RRS § 9786.]

#### **RCW 91.08.130**

##### **Eminent domain -- Petition to condemn.**

The board shall file a petition, verified by its chairman and signed by the prosecuting attorney, in the superior court of the county, praying that the **property** described may be taken or damaged for the purpose specified and that compensation therefor be ascertained by a jury or by the court in case a jury be waived. Such petition shall allege the creation of the waterway district and contain a copy of the order directing the proceeding, a reasonably accurate description of the lots or parcels of land or other **property** which will be taken or damaged, and the names of the owners and occupants of said lands and of said persons having any interest therein so far as known to the said board, or as appears from the records in the office of the county auditor.

[1911 c 23 § 11; RRS § 9787.]

#### **RCW 91.08.160**

##### **Eminent domain -- Finding of public use -- Jury -- Dismissal.**

Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition and shall adjudicate whether the proposed **condemnation** is for a public use, and if its judgment is that the proposed use is public, it shall empanel a jury to ascertain the just compensation to be paid for the lands or **property** taken or damaged, unless a

jury be waived; but if any defendant or party in interest shall demand, and the court shall deem it proper, separate juries may be empaneled as to the separate compensation or damages to be paid to any one or more of such defendants or parties in interest. Should the court determine that the proposed use is not public, it shall dismiss the proceeding.

[1911 c 23 § 14; RRS § 9790.]

---

## **RCW 91.08.250**

### **Eminent domain -- Finality of judgment -- Appellate review -- Waiver of review.**

Any final judgment rendered by said court upon the findings of the court or a jury, shall be the lawful and sufficient **condemnation** of the land or **property** to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases: PROVIDED, That in case any defendant recovers no award, no costs shall be taxed. Such judgment shall be final and conclusive as to the damages caused by such improvement, unless appellate review is sought, and no review shall delay proceedings under the order of said board if it shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs; but such board after making such payment into court shall be liable to such owner or owners, or parties interested, for the payment of any further compensation which may at any time be finally awarded to such parties seeking review in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor and abide any rule or order of the court in relation to the matter in controversy. In case of review by the supreme court or the court of appeals of the state, the money so paid into the superior court by the board, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other **property**, accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively appellate review and final judgment may be rendered in the superior court as in other cases.

[1988 c 202 § 94; 1971 c 81 § 180; 1911 c 23 § 23; RRS § 9799.]

## **NOTES:**

**Rules of court:** Cf. RAP 2.5(b).

**Severability -- 1988 c 202:** See note following RCW 2.24.050.

Appellate review: RCW 91.08.580.

Civil procedure -- Costs: Chapter 4.84 RCW.

---

## **RCW 91.08.270**

### **Assessment procedure -- Petition -- Assessment commissioners.**

Said board shall, upon the entry of the **condemnation** judgment, file in the same proceeding a supplementary petition, praying the court that an assessment be made upon the lands in the district for the purpose of raising an amount necessary to pay the compensation and damages awarded for the **property** taken or damaged, with costs of the proceedings, and for the estimated cost of the proposed improvement; and the court shall thereupon appoint three competent disinterested persons as commissioners to make such assessment. Said commissioners shall include in such assessment the compensation and damages awarded for the **property** taken or damaged, with legal interest from the



date of entry of the judgment, and with all costs and expenses of the proceedings incurred to the time of their appointment, or to the time when said proceedings was referred to them, together with the probable further costs and expenses of the proceeding, including therein the estimated cost of making and collecting such assessment. The petitioners for the improvement shall be entitled to have included in the costs of the proceeding, and repaid to them, such reasonable sums as they may have expended in preparing the maps and plans of the improvement and procuring the names of landowners for filing with the petition. Such expenditures to be approved and allowed by the court.

[1911 c 23 § 25; RRS § 9801.]

#### NOTES:

Invalidity of assessments -- Reassessment: RCW 91.08.520.

Public lands treated as private lands -- Assessment of: RCW 91.08.575.

---

#### RCW 91.08.340

##### **Assessment procedure -- Hearing -- Findings -- Judgment.**

Any person interested in any **property** assessed and desiring to object to the assessment thereon, shall file his objections to such report at any time before the day set for hearing said roll, and serve a copy thereof upon the prosecuting attorney. As to all **property** to the assessment upon which no objections are filed and served, as herein provided, default may be entered and the assessment confirmed by the court. On the hearing of objections the report of the commissioners shall be competent evidence to support the assessment, but either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law tried by the court without a jury; and if it shall appear that the **property** of the objector is assessed more or less than it will be benefited, or more or less than its proportionate share of the cost of the **condemnation** and improvement, the court shall so find, and it shall also find the amount in which said **property** ought to be assessed and correct the assessment accordingly. Judgment shall be entered confirming the assessment roll as originally filed or as corrected, as the case may require.

[1911 c 23 § 32; RRS § 9808.]

#### NOTES:

Civil procedure: Title 4 RCW.

---

#### RCW 91.08.620

##### **Unclaimed funds, disposal of.**

Should any sum of money paid into court as compensation or damages for land or **property** taken or damaged in any **condemnation** proceeding under this chapter be uncalled for the period of two years, the county clerk shall satisfy the judgment therefor and pay the money in his hands to the treasurer for the road fund of the county. But upon application to the board of county commissioners within four years after such payment, the party entitled thereto shall be paid such money by the county without interest: PROVIDED, That if any such party, being a natural person, was under legal disabilities when such money was paid to the treasurer, the time within which he or his legal representatives shall make application for the payment thereof shall not expire until one year after his death or the removal of his disabilities.

[1911 c 23 § 62; RRS § 9838.]

---

**Query: (CONTENT contains "blight")**

- ☒ **RCW 35.80A.010 (RCW)**  
Condemnation of blighted property.
- ☒ **RCW 35.80A.040 (RCW)**  
Authority to enter blighted buildings or property -- Acceptance of financial assistance.
- ☒ **RCW 35.81.005 (RCW)**  
Declaration of purpose and necessity.
- ☒ **RCW 35.81.015 (RCW)**  
Definitions.
- ☒ **RCW 35.81.040 (RCW)**  
Formulation of workable program.
- ☒ **RCW 35.81.070 (RCW)**  
Powers of municipality.
- ☒ **RCW 35.81.150 (RCW)**  
Exercise of community renewal project powers.
- ☒ **RCW 35.100.010 (RCW)**  
Findings -- Intent.
- ☒ **RCW 70.95.010 (RCW)**  
Legislative finding -- Priorities -- Goals.
- ☒ **RCW 84.26.120 (RCW)**  
Rules.

**RCW 35.80A.010****Condemnation of blighted property.**

Every county, city, and town may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a **blight** on the surrounding neighborhood. A "**blight** on the surrounding neighborhood" is any property, dwelling, building, or structure that meets any two of the following factors: (1) If a dwelling, building, or structure exists on the property, the dwelling, building, or structure has not been lawfully occupied for a period of one year or more; (2) the property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the executive authority of the county, city, or town, or the designee of the executive authority; or (3) the property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months. Prior to such condemnation, the local governing body shall adopt a resolution declaring that the acquisition of the real property described therein is necessary to eliminate neighborhood **blight**. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

[1994 c 175 § 1; 1989 c 271 § 239.]

**RCW 35.80A.040****Authority to enter blighted buildings or property -- Acceptance of financial assistance.**

Every county, city, or town may, in addition to any other authority granted by this chapter: (1) Enter upon any building or property found to constitute a **blight** on the surrounding neighborhood in order to make surveys and appraisals, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; and (2) borrow money, apply for, and accept, advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, a county, or other public body, or from any sources, public or private, for the purposes of this chapter, and enter into and carry out contracts in connection herewith.

[1989 c 271 § 242.]

**RCW 35.81.005****Declaration of purpose and necessity.**

It is hereby found and declared that blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state exist in municipalities of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime and depreciation of property values, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, hinders job creation and economic growth, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of such areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, are conducive to fires, are difficult to police and to provide police protection for, and, while contributing little to the tax income of the state and its municipalities, consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization and other forms of public protection, services, and facilities.

It is further found and declared that certain of such areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this chapter, since the prevailing condition of decay may make impracticable the reclamation of the area by rehabilitation; that other areas or portions thereof may, through the means provided in this chapter, be susceptible of rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that to the extent feasible salvable blighted areas should be rehabilitated through voluntary action and the regulatory process.

It is further found and declared that there is an urgent need to enhance the ability of municipalities to act effectively and expeditiously to revive blighted areas and to prevent further **blight** due to shocks to the economy of the state and their actual and threatened effects on unemployment, poverty, and the availability of private capital for businesses and projects in the area.

It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

[2002 c 218 § 2; 1965 c 7 § 35.81.020. Prior: 1957 c 42 § 2. Formerly RCW 35.81.020.]

#### NOTES:

**Severability -- 2002 c 218:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2002 c 218 § 28.]

**Savings -- Construction -- 2002 c 218:** "(1) This act does not impair any authority granted, any actions undertaken, or any liability or obligation incurred under the sections amended in this act or under any rule, order, plan, or project adopted under those sections, nor does it impair any proceedings instituted under those sections.

(2) Any power granted in this act with respect to a community renewal plan, and any process authorized for the exercise of the power, may be used by any municipality in implementing any urban renewal plan or project adopted under chapter 35.81 RCW, to the same extent as if the plan were adopted as a community renewal plan.

(3) This act shall be liberally construed." [2002 c 218 § 29.]

---

#### RCW 35.81.015

##### Definitions.

The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "community renewal agency" means a public agency created under RCW 35.81.160 or otherwise authorized to serve as a community renewal agency under this chapter.

(2) "Blighted area" means an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light,

proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate uses of land or buildings; existence of overcrowding of buildings or structures; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; existence of hazardous soils, substances, or materials; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; existence of persistent and high levels of unemployment or poverty within the area; or the existence of conditions that endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime; substantially impairs or arrests the sound growth of the municipality or its environs, or retards the provision of housing accommodations; constitutes an economic or social liability; and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, or morals in its present condition and use.

(3) "Bonds" means any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.

(4) "Clerk" means the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Community renewal area" means a blighted area which the local governing body designates as appropriate for a community renewal project or projects.

(6) "Community renewal plan" means a plan, as it exists from time to time, for a community renewal project or projects, which plan (a) shall be consistent with the comprehensive plan or parts thereof for the municipality as a whole; (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community renewal area; zoning and planning changes, if any, which may include, among other things, changes related to land uses, densities, and building requirements; and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; (c) shall address the need for replacement housing, within the municipality, where existing housing is lost as a result of the community renewal project undertaken by the municipality under this chapter; and (d) may include a plan to address any persistent high levels of unemployment or poverty in the community renewal area.

(7) "Community renewal project" includes one or more undertakings or activities of a municipality in a community renewal area: (a) For the elimination and the prevention of the development or spread of **blight**; (b) for encouraging economic growth through job creation or retention; (c) for redevelopment or rehabilitation in a community renewal area; or (d) any combination or part thereof in accordance with a community renewal plan.

(8) "Federal government" includes the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(9) "Local governing body" means the council or other legislative body charged with governing the municipality.

(10) "Mayor" means the chief executive of a city or town, or the elected executive, if any, of any county operating under a charter, or the county legislative authority of any other county.

(11) "Municipality" means any incorporated city or town, or any county, in the state.

(12) "Obligee" includes any bondholder, agent, or trustees for any bondholders, any lessor demising to the municipality property used in connection with a community renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(13) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(14) "Persons of low income" means an individual with an annual income, at the time of hiring or at the time assistance is provided under this chapter, that does not exceed the higher of either: (a) Eighty percent of the statewide median family income, adjusted for family size; or (b) eighty percent of the median family income for the county or standard metropolitan statistical area, adjusted for family size, where the community renewal area is located.

(15) "Public body" means the state or any municipality, board, commission, district, or any other subdivision or public body of the state or of a municipality.

(16) "Public officer" means any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(17) "Real property" includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(18) "Redevelopment" includes (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the community renewal provisions of this chapter in accordance with the community renewal plan; (d) making the land available for development or redevelopment by private enterprise or public bodies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the community renewal plan; and (e) making loans or grants to a person or public body for the purpose of creating or retaining jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

(19) "Rehabilitation" includes the restoration and renewal of a blighted area or portion thereof, in accordance with a community renewal plan, by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of **blight** or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the community renewal provisions of this chapter; and (d) the disposition of any property acquired in such community renewal area for uses in accordance with such community renewal plan.

[2002 c 218 § 1; 1991 c 363 § 41; 1975 c 3 § 1; 1971 ex.s. c 177 § 6; 1965 c 7 § 35.81.010. Prior: 1957 c 42 § 1. Formerly

RCW 35.81.010.]

## NOTES:

**Severability -- Savings -- Construction -- 2002 c 218:** See notes following RCW 35.81.005.

**Purpose -- Captions not law -- 1991 c 363:** See notes following RCW 2.32.180.

### RCW 35.81.040

#### **Formulation of workable program.**

A municipality for the purposes of this chapter may formulate a workable program for using appropriate private and public resources to eliminate, and prevent the development or spread of, blighted areas, to encourage needed community rehabilitation, to provide for the redevelopment of such areas, or to undertake the activities, or other feasible municipal activities as may be suitably employed to achieve the objectives of the workable program. The workable program may include, without limitation, provision for: The prevention of the spread of **blight** into areas of the municipality which are free from **blight** through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation of blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; the replacement of housing that is lost as a result of community renewal activities within a community renewal area; the clearance and redevelopment of blighted areas or portions thereof; and the reduction of unemployment and poverty within the community renewal area by providing financial or technical assistance to a person or public body that is used to create or retain jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

[2002 c 218 § 4; 1965 c 7 § 35.81.040. Prior: 1957 c 42 § 4.]

## NOTES:

**Severability -- Savings -- Construction -- 2002 c 218:** See notes following RCW 35.81.005.

### RCW 35.81.070

#### **Powers of municipality.**

Every municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others granted under this chapter:

(1) To undertake and carry out community renewal projects within the municipality, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter, and to disseminate **blight** clearance and community renewal information.

(2) To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for, or in connection with, a community renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law



relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community renewal project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(3) To provide financial or technical assistance, using available public or private funds, to a person or public body for the purpose of creating or retaining jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

(4) To make payments, loans, or grants to, provide assistance to, and contract with existing or new owners and tenants of property in the community renewal areas as compensation for any adverse impacts, such as relocation or interruption of business, that may be caused by the implementation of a community renewal project, and/or consideration for commitments to develop, expand, or retain land uses that contribute to the success of the project or plan, including without limitation businesses that will create or retain jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

(5) To contract with a person or public body to provide financial assistance, authorized under this section, to property owners and tenants impacted by the implementation of the community renewal plan and to provide incentives to property owners and tenants to encourage them to locate in the community renewal area after adoption of the community renewal plan.

(6) Within the municipality, to enter upon any building or property in any community renewal area, in order to make surveys and appraisals, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain, or otherwise, any real property and such personal property as may be necessary for the administration of the provisions herein contained, together with any improvements thereon; to hold, improve, clear, or prepare for redevelopment any such property; to dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance: PROVIDED, That no statutory provision with respect to the acquisition, clearance, or disposition of property by public bodies shall restrict a municipality in the exercise of such functions with respect to a community renewal project.

(7) To invest any community renewal project funds held in reserves or sinking funds or any such funds which are not required for immediate disbursement, in property or securities in which mutual savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to RCW 35.81.100 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(8) To borrow money and to apply for, and accept, advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this chapter, and to enter into and carry out contracts in connection therewith. A municipality may include in any application or contract for financial assistance with the federal government for a community renewal project such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this chapter.

(9) Within the municipality, to make or have made all plans necessary to the carrying out of the purposes of this chapter and to contract with any person, public or private, in making and carrying out

such plans and to adopt or approve, modify, and amend such plans. Such plans may include, without limitation: (a) A comprehensive plan or parts thereof for the locality as a whole, (b) community renewal plans, (c) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (d) plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, (e) appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of community renewal projects, and (f) plans to provide financial or technical assistance to a person or public body for the purpose of creating or retaining jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income. The municipality is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of **blight**, for job creation or retention activities, and to apply for, accept, and utilize grants of, funds from the federal government for such purposes.

(10) To prepare plans for the relocation of families displaced from a community renewal area, and to coordinate public and private agencies in such relocation, including requesting such assistance for this purpose as is available from other private and governmental agencies, both for the municipality and other parties.

(11) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this chapter, and in accordance with state law: (a) Levy taxes and assessments for such purposes; (b) acquire land either by negotiation or eminent domain, or both; (c) close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places; (d) plan or replan, zone or rezone any part of the municipality; (e) adopt annual budgets for the operation of a community renewal agency, department, or offices vested with community renewal project powers under RCW 35.81.150; and (f) enter into agreements with such agencies or departments (which agreements may extend over any period) respecting action to be taken by such municipality pursuant to any of the powers granted by this chapter.

(12) Within the municipality, to organize, coordinate, and direct the administration of the provisions of this chapter as they apply to such municipality in order that the objective of remedying blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively.

(13) To contract with a person or public body to assist in carrying out the purposes of this chapter.

(14) To exercise all or any part or combination of powers herein granted.

[2002 c 218 § 7; 1965 c 7 § 35.81.070. Prior: 1957 c 42 § 7.]

## NOTES:

**Severability -- Savings -- Construction -- 2002 c 218:** See notes following RCW 35.81.005.

---

### RCW 35.81.150

#### Exercise of community renewal project powers.

(1) A municipality may itself exercise its community renewal project powers or may, if the local governing body by ordinance or resolution determines such action to be in the public interest, elect to have such powers exercised by the community renewal agency or a department or other officers of the

municipality or by any other public body.

(2) In the event the local governing body determines to have the powers exercised by the community renewal agency, such body may authorize the community renewal agency or department or other officers of the municipality to exercise any of the following community renewal project powers:

- (a) To formulate and coordinate a workable program as specified in RCW 35.81.040.
- (b) To prepare community renewal plans.
- (c) To prepare recommended modifications to a community renewal project plan.
- (d) To undertake and carry out community renewal projects as required by the local governing body.
- (e) To acquire, own, lease, encumber, and sell real or personal property. The agency may not acquire real or personal property using the eminent domain process, unless authorized independently of this chapter.
- (f) To create local improvement districts under RCW 35.81.190 and 35.81.200.
- (g) To issue bonds from time to time in its discretion to finance the undertaking of any community renewal project under this chapter. The bonds issued under this section must meet the requirements of RCW 35.81.100.
- (h) To make and execute contracts as specified in RCW 35.81.070, with the exception of contracts for the purchase or sale of real or personal property.
- (i) To disseminate **blight** clearance and community renewal information.
- (j) To exercise the powers prescribed by RCW 35.81.070(2), except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages, shall be reserved to the local governing body.
- (k) To enter any building or property, in any community renewal area, in order to make surveys and appraisals in the manner specified in RCW 35.81.070(6).
- (l) To improve, clear, or prepare for redevelopment any real or personal property in a community renewal area.
- (m) To insure real or personal property as provided in RCW 35.81.070(6).
- (n) To effectuate the plans provided for in RCW 35.81.070(9).
- (o) To prepare plans for the relocation of families displaced from a community renewal area and to coordinate public and private agencies in such relocation.
- (p) To prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.
- (q) To conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of community renewal projects.

(r) To negotiate for the acquisition of land.

(s) To study the closing, vacating, planning, or replanning of streets, roads, sidewalks, ways, or other places and to make recommendations with respect thereto.

(t) To provide financial and technical assistance to a person or public body, for the purpose of creating or retaining jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

(u) To make payments, grants, and other assistance to, or contract with, existing or new owners and tenants of property in the community renewal area, under RCW 35.81.070.

(v) To organize, coordinate, and direct the administration of the provisions of this chapter.

(w) To perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and the performance of the duties and responsibilities entrusted to the local governing body.

Any powers granted in this chapter that are not included in this subsection (2) as powers of the community renewal agency or a department or other officers of a municipality in lieu thereof may only be exercised by the local governing body or other officers, boards, and commissions as provided by law.

[2002 c 218 § 17; 1965 c 7 § 35.81.150. Prior: 1957 c 42 § 15.]

## NOTES:

**Severability -- Savings--Construction -- 2002 c 218:** See notes following RCW 35.81.005.

---

### RCW 35.100.010

#### Findings -- Intent.

(1) The legislature finds:

(a) The continued economic vitality of downtown and neighborhood commercial districts in our state's cities is essential to community preservation, social cohesion, and economic growth;

(b) In recent years there has been a deterioration of downtown and neighborhood commercial districts in both rural and urban communities due to a shifting population base, changes in the marketplace, and greater competition from suburban shopping malls, discount centers, and through the internet;

(c) This decline has eroded the ability of businesses and property owners to renovate and enhance their commercial and residential properties;

(d) In many areas of the state, downtown and neighborhood commercial areas are burdened further by deteriorating buildings, vacant building that cannot be legally occupied, and vacant brownfield infill sites which pose significant health and safety problems to tenants and pedestrians, and constitute a significant **blight** and detrimental impact on the health, safety, and welfare of the community, as well as its economic health;

(e) Business owners in these districts need to maintain their local economies in order to provide goods and services to adjacent residents, to provide employment opportunities, to restore blighted properties, and to avoid disinvestment and economic dislocations, and have developed downtown and neighborhood commercial district revitalization programs to address these problems; and

(f) It is in the best interest of the state of Washington to stop the decay of community areas and to promote and facilitate the orderly redevelopment of these areas.

(2) It is the intent of the legislature to establish a program to:

(a) Provide for the allocation of a portion of locally imposed excise taxes to assist local governments in the financing of needed health and safety improvements, public improvements, and other public investments, to encourage private development and to enhance and revitalize neighborhood business districts and downtown areas; and

(b) Provide technical assistance and training to local governments, business organizations, downtown and neighborhood commercial district organizations, and business and property owners to accomplish community and economic revitalization and development of business districts.

[2002 c 79 § 1.]

---

#### **RCW 70.95.010**

#### **Legislative finding -- Priorities -- Goals.**

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, **blight** our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It should be the goal of every person and business to minimize their production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed municipal solid waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

(a) Waste reduction;

(b) Recycling, with source separation of recyclable materials as the preferred method;

(c) Energy recovery, incineration, or landfill of separated waste;

(d) Energy recovery, incineration, or landfill of mixed municipal solid wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by 2007.

(10) It is the state's goal that programs be established to eliminate residential or commercial yard debris in landfills by 2012 in those areas where alternatives to disposal are readily available and effective.

(11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

(12) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

(13) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

(14) Excessive and nonrecyclable packaging of products should be avoided.

(15) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

(16) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

(17) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

(18) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

(19) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

(20) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded tires and other problem wastes with the subsequent conservation of resources and energy.

[2002 c 299 § 3; 1989 c 431 § 1; 1985 c 345 § 1; 1984 c 123 § 1; 1975-'76 2nd ex.s. c 41 § 1; 1969 ex.s. c 134 § 1.]

## **RCW 84.26.120**

### **Rules.**

The state review board shall adopt rules necessary to carry out the purposes of this chapter. The rules shall include rehabilitation and maintenance standards for historic properties to be used as minimum requirements by local review boards to ensure that the historic property is safe and habitable, including but not limited to:

(1) Elimination of visual **blight** due to past neglect of maintenance and repair to the exterior of the building, including replacement of broken or missing doors and windows, repair of deteriorated architectural features, and painting of exterior surfaces;

(2) Correction of structural defects and hazards;

(3) Protection from weather damage due to defective roofing, flashings, glazing, caulking, or lack of heat; and

(4) Elimination of any condition on the premises which could cause or augment fire or explosion.

[1985 c 449 § 12.]

Query: (CONTENT contains "just compensation")

- ☒ RCW 8.04.092 (RCW)  
Determination of adequacy of payment -- Jury trial -- Costs.
- ☒ RCW 8.04.094 (RCW)  
Demand for trial -- Time of trial -- Decree of appropriation.
- ☒ RCW 8.08.060 (RCW)  
Judgment -- Decree of appropriation.
- ☒ RCW 8.12.030 (RCW)  
Condemnation authorized -- Purposes enumerated.
- ☒ RCW 8.12.050 (RCW)  
Petition for condemnation.
- ☒ RCW 8.12.100 (RCW)  
Trial -- Jury -- Right to separate juries.
- ☒ RCW 8.12.120 (RCW)  
Interested party may be brought in.
- ☒ RCW 8.12.170 (RCW)  
Change of ownership -- Powers of court.
- ☒ RCW 8.12.210 (RCW)  
Title vests upon payment.
- ☒ RCW 8.12.540 (RCW)  
Subsequent compensation for property taken or damaged.
- ☒ RCW 8.25.010 (RCW)  
Pretrial statement of compensation to be paid in event of settlement.
- ☒ RCW 8.25.075 (RCW)  
Costs -- Award to condemnee or plaintiff -- Conditions.
- ☒ RCW 8.25.120 (RCW)  
Conclusions of appraisers -- Order for production and exchange between parties.
- ☒ RCW 8.25.220 (RCW)  
Special benefits to remaining property -- Options -- Election by owner -- Consent to creation of lien.
- ☒ RCW 8.26.180 (RCW)  
Acquisition procedures.
- ☒ RCW 8.26.190 (RCW)  
Acquisition of buildings, structures, and improvements.
- ☒ RCW 35.22.280 (RCW)  
Specific powers enumerated.
- ☒ RCW 35.55.040 (RCW)  
Damages -- Eminent domain.
- ☒ RCW 35.56.050 (RCW)  
Damages -- Eminent domain.
- ☒ RCW 36.70A.020 (RCW)  
Planning goals.
- ☒ RCW 47.12.023 (RCW)  
Acquisition of state lands or interests or rights therein -- Procedures--Compensation -- Reacquisition by department of natural resources.
- ☒ RCW 47.12.026 (RCW)  
Acquisition of state lands or interests or rights therein -- Easements -- Removal of materials -- Relocation of railroad tracks.
- ☒ RCW 47.42.102 (RCW)  
Compensation for removal of signs -- Authorized -- Applicability.
- ☒ RCW 47.42.104 (RCW)  
Compensation for removal -- Federal share -- Acceptance.
- ☒ RCW 47.42.105 (RCW)  
Unavailability of federal share.



- ☒ **RCW 47.42.107 (RCW)**  
Compensation for removal under local authority.
- ☒ **RCW 47.76.250 (RCW)**  
Essential rail assistance account -- Purposes.
- ☒ **RCW 64.04.180 (RCW)**  
Railroad properties as public utility and transportation corridors -- Declaration of availability for public use -- Acquisition of reversionary interest.
- ☒ **RCW 80.54.040 (RCW)**  
Criteria for just and reasonable rate.
- ☒ **RCW 85.05.070 (RCW)**  
Eminent domain -- Powers of district.
- ☒ **RCW 85.06.070 (RCW)**  
Eminent domain powers -- Purchase of real property authorized.
- ☒ **RCW 85.06.680 (RCW)**  
Additional improvements -- Private property not to be taken without compensation.
- ☒ **RCW 86.12.020 (RCW)**  
Authority to make improvements -- Condemnation.
- ☒ **RCW 90.03.030 (RCW)**  
Right to convey water along lake or stream -- Conveyance to intake structure in neighboring state.
- ☒ **RCW 91.08.100 (RCW)**  
Board's powers and duties -- Right of eminent domain.
- ☒ **RCW 91.08.160 (RCW)**  
Eminent domain -- Finding of public use -- Jury -- Dismissal.
- ☒ **RCW 91.08.170 (RCW)**  
Eminent domain -- New parties may be admitted.
- ☐ **WAC 468-51-150**  
Adjudicative proceedings.
- ☐ **WAC 468-100-002**  
Definitions and acronyms.
- ☐ **WAC 468-100-102**  
Criteria for appraisals.
- ☐ **WAC 468-100-103**  
Review of appraisals.
- ☐ **WAC 468-100-104**  
Acquisition of tenant-owned improvements.
- ☐ **WAC 468-100-106**  
Donations.
- ☐ **WAC 468-100-402**  
Replacement housing payment for ninety-day occupants.
- ☐ **WAC 468-100-502**  
Replacement housing payment for one hundred eighty-day mobile home homeowner displaced from a mobile home, and/or from the acquired mobile home site.

**RCW 8.04.092****Determination of adequacy of payment -- Jury trial -- Costs.**

The amount paid into court shall constitute **just compensation** paid for the taking of such property: PROVIDED, That respondents may, in the same action, request a trial for the purpose of assessing the amount of compensation to be made and the amount of damages arising from the taking. At the trial, the date of valuation of the property shall be the date of entry of the order granting to the state immediate possession and use of the property. If, pursuant to such hearing, the verdict of the jury, unless a jury is waived by all parties, or decision of the court, awards respondents an amount in excess of the tender, the court shall order the excess paid to respondents with interest thereon from the time of the entry of the order of immediate possession, and shall charge the costs of the action to the state. If, pursuant to the trial, the verdict of the jury or decision of the court awards respondents an amount equal to the tender, the costs of the action shall be charged to the state, and if the verdict or decision awards an amount less than the amount of the tender, the state shall be taxed for costs and the state, if respondents have accepted the tender and withdrawn the amount paid into court, shall be entitled to a judgment for the difference; otherwise, the excess on deposit shall be returned to the state.

[1983 c 140 § 1; 1955 c 155 § 1; 1951 c 177 § 2.]

**RCW 8.04.094****Demand for trial -- Time of trial -- Decree of appropriation.**

If any respondent shall elect to demand a trial for the purpose of assessing **just compensation** and damages arising from the taking, he shall so move within sixty days from the date of entry of the order of immediate possession and use, and the issues shall be brought to trial within one year from the date of such order unless good and sufficient proof shall be offered and it shall appear therefrom to the court that the hearing could not have been held within said year. In the event that no such demand be timely made or having been timely made, shall not be brought to trial within the limiting period, the court, upon application of the state, shall enter a decree of appropriation for the amount paid into court under the provisions of RCW 8.04.090, as the total sum to which respondents are entitled, and such decree shall be final and nonappealable.

[1951 c 177 § 3.]

**RCW 8.08.060****Judgment -- Decree of appropriation.**

Upon the verdict of the jury or upon the determination of the court of the compensation or damages to be paid for the real estate or property appropriated, judgment shall be entered against such county in favor of the owner or owners of the real estate or property so appropriated for the amount found as **just compensation** therefor, and upon the payment of such amount by such county to the clerk of such court for the use of the owner or owners or the persons interested in the premises sought to be taken, the court shall enter a decree of appropriation of the real estate or property sought to be taken, thereby vesting the title to the same in such county; and a certified copy of such decree of appropriation may be filed in the office of the county auditor of the county wherein the real estate taken is situated and shall be recorded by such auditor like a deed of real estate and with like effect. The money so paid to the clerk of the court shall be by him paid to the person or persons entitled thereto upon the order of the court.

[1949 c 79 § 6; Rem. Supp. 1949 § 3991-11.]

---

**RCW 8.12.030****Condemnation authorized -- Purposes enumerated.**

Every city and town and each unclassified city and town within the state of Washington, is hereby authorized and empowered to condemn land and property, including state, county and school lands and property for streets, avenues, alleys, highways, bridges, approaches, culverts, drains, ditches, public squares, public markets, city and town halls, jails and other public buildings, and for the opening and widening, widening and extending, altering and straightening of any street, avenue, alley or highway, and to damage any land or other property for any such purpose or for the purpose of making changes in the grade of any street, avenue, alley or highway, or for the construction of slopes or retaining walls for cuts and fills upon real property abutting on any street, avenue, alley or highway now ordered to be, or such as shall hereafter be ordered to be opened, extended, altered, straightened or graded, or for the purpose of draining swamps, marshes, tidelands, tide flats or ponds, or filling the same, within the limits of such city, and to condemn land or property, or to damage the same, either within or without the limits of such city for public parks, drives and boulevards, hospitals, pesthouses, drains and sewers, garbage crematories and destructors and dumping grounds for the destruction, deposit or burial of dead animals, manure, dung, rubbish, and other offal, and for aqueducts, reservoirs, pumping stations and other structures for conveying into and through such city a supply of fresh water, and for the purpose of protecting such supply of fresh water from pollution, and to condemn land and other property and damage the same for such and for any other public use after **just compensation** having been first made or paid into court for the owner in the manner prescribed by this chapter.

[1915 c 154 § 1; 1907 c 153 § 1; RRS § 9215. Prior: 1905 c 55 § 1; 1893 c 84 § 1.]

---

**RCW 8.12.050****Petition for condemnation.**

Whenever any such ordinance shall be passed by the legislative authority of any such city for the making of any improvement authorized by this chapter or any other improvement that such city is authorized to make, the making of which will require that property be taken or damaged for public use, such city shall file a petition in the superior court of the county in which such land is situated, in the name of the city, praying that **just compensation**, to be made for the property to be taken or damaged for the improvement or purpose specified in such ordinance, be ascertained by a jury or by the court in case a jury be waived.

[1913 c 11 § 1; 1907 c 153 § 3; RRS § 9217. Prior: 1905 c 55 § 3; 1893 c 84 § 3.]

---

**RCW 8.12.100****Trial -- Jury -- Right to separate juries.**

Upon the return of said summons, or as soon thereafter as the business of court will permit, the said court shall proceed to the hearing of such petition and shall impanel a jury to ascertain the **just compensation** to be paid for the property taken or damaged, but if any defendant or party in interest shall demand, and the court shall deem it proper, separate juries may be impaneled as to the compensation or damages to be paid to any one or more of such defendants or parties in interest.

[1907 c 153 § 7; RRS § 9221. Prior: 1905 c 55 § 7; 1893 c 84 § 7.]

---

**RCW 8.12.120****Interested party may be brought in.**

Such jury shall also ascertain the **just compensation** to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such person's name or such lot, parcel of land or other property is mentioned or described in such petition: PROVIDED, Such person shall first be admitted as a party defendant to said suit by such court and shall file a statement of his interest in and description of the lot, parcel of land or other property in respect to which he claims compensation.

[1907 c 153 § 8; RRS § 9222. Prior: 1905 c 55 § 8; 1893 c 84 § 8.]

**NOTES:**

**Rules of court:** CR 17 through 25.

---

**RCW 8.12.170****Change of ownership -- Powers of court.**

The court shall have power at any time, upon proof that any such owner or owners named in such petition who has not been served with process has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the **just compensation** to be made for the property (or the damage thereto) which has been owned by the person or persons so ceasing to own the same, and the court may upon any finding or findings of any jury or juries, or at any time during the course of such proceedings enter such order, rule, judgment or decree as the nature of the case may require.

[1907 c 153 § 13; RRS § 9227. Prior: 1905 c 55 § 12; 1893 c 84 § 12.]

---

**RCW 8.12.210****Title vests upon payment.**

The court, upon proof that **just compensation** so found by the jury, or by the court in case the jury is waived, together with costs, has been paid to the person entitled thereto, or has been paid into court as directed by the court, shall enter an order that the city or town shall have the right at any time thereafter to take possession of or damage the property in respect to which such compensation shall have been so paid or paid into court as aforesaid, and thereupon, the title to any property so taken shall be vested in fee simple in such city or town.

[1907 c 153 § 17; RRS § 9231. Prior: 1905 c 55 § 17; 1893 c 84 § 17.]

**NOTES:**

**Rules of court:** CR 58.

---

**RCW 8.12.540****Subsequent compensation for property taken or damaged.**

If any city has heretofore taken or shall hereafter take possession of any land or other property, or has damaged or shall hereafter damage the same for any of the public purposes mentioned in this chapter, or for any other purpose within the authority of such city or town, without having made **just compensation** therefor, such city or town may cause such compensation to be ascertained and paid to the persons entitled thereto by proceedings taken in accordance with the provisions of this chapter, and the payment of such compensation and costs as shall be adjudged in favor of the persons entitled thereto in such proceedings shall be a defense to any other action for the taking or damaging of such property.

[1907 c 153 § 53; RRS § 9278. Prior: 1905 c 55 § 52; 1893 c 84 § 52.]

---

#### **RCW 8.25.010**

##### **Pretrial statement of compensation to be paid in event of settlement.**

In all actions for the condemnation of property, or any interest therein, at least thirty days prior to the date set for trial of such action the condemnor shall serve a written statement showing the amount of total **just compensation** to be paid in the event of settlement on each condemnee who has made an appearance in the action.

[1965 ex.s. c 125 § 1.]

---

#### **RCW 8.25.075**

##### **Costs -- Award to condemnee or plaintiff -- Conditions.**

(1) A superior court having jurisdiction of a proceeding instituted by a condemnor to acquire real property shall award the condemnee costs including reasonable attorney fees and reasonable expert witness fees if:

(a) There is a final adjudication that the condemnor cannot acquire the real property by condemnation; or

(b) The proceeding is abandoned by the condemnor.

(2) In effecting a settlement of any claim or proceeding in which a claimant seeks an award from an acquiring agency for the payment of compensation for the taking or damaging of real property for public use without **just compensation** having first been made to the owner, the attorney general or other attorney representing the acquiring agency may include in the settlement amount, when appropriate, costs incurred by the claimant, including reasonable attorneys' fees and reasonable expert witness fees.

(3) A superior court rendering a judgment for the plaintiff awarding compensation for the taking or damaging of real property for public use without **just compensation** having first been made to the owner shall award or allow to such plaintiff costs including reasonable attorney fees and reasonable expert witness fees, but only if the judgment awarded to the plaintiff as a result of trial exceeds by ten percent or more the highest written offer of settlement submitted by the acquiring agency to the plaintiff at least thirty days prior to trial.

(4) Reasonable attorney fees and expert witness fees as authorized in this section shall be subject to the provisions of subsection (4) of RCW 8.25.070 as now or hereafter amended.

[1977 ex.s. c 72 § 1; 1971 ex.s. c 240 § 21.]

**NOTES:**

**Severability -- 1971 ex.s. c 240:** See RCW 8.26.900.

**RCW 8.25.120****Conclusions of appraisers -- Order for production and exchange between parties.**

After the commencement of a condemnation action, upon motion of either the condemnor or condemnee, the court may order, upon such terms and conditions as are fair and equitable the production and exchange of the written conclusions of all the appraisers of the parties as to **just compensation** owed to the condemnee, as prepared for the purpose of the condemnation action, and the comparable sales, if any, used by such appraisers. The court shall enter such order only after assurance that there will be mutual, reciprocal and contemporaneous disclosures of similar information between the parties.

[1969 ex.s. c 236 § 8.]

**RCW 8.25.220****Special benefits to remaining property -- Options -- Election by owner -- Consent to creation of lien.**

Whenever land, real estate, premises or other property is to be taken or damaged for a highway, road, or street and the amount offered as **just compensation** includes a setoff in recognition of special benefits accruing to a remainder portion of the property the property owner shall elect one of the following options:

- (1) Trial on the question of **just compensation** which shall finally determine the amount of **just compensation**; or
- (2) Acceptance of the offered amount as a final determination of **just compensation**; or
- (3) Demand the full amount of the fair market value of any property taken plus the amount of damages if any caused by such acquisition to a remainder of the property without offsetting the amount of any special benefits accruing to a remainder of the property as those several amounts are agreed to by the parties; or
- (4) Demand a trial before a jury unless jury be waived to establish the fair market value of any property taken and the amount of damages if any caused by such acquisition to a remainder of the property without offsetting the amount of any special benefits accruing to a remainder of the property.

The selection of the option set forth in subsections (3) or (4) of this section is subject to the consent by the property owner to the creation and recording of a lien against the remainder in the amount of the fair market value of any property taken plus the amount of damages caused by such acquisition to the remainder of the property without offsetting the amount of any special benefits accruing to a remainder of the property, plus interest as it accrues.

[1974 ex.s. c 79 § 2.]

**RCW 8.26.180**

## Acquisition procedures.

Every acquiring agency shall, to the greatest extent practicable, be guided by the following policies:

- (1) Every reasonable effort shall be made to acquire expeditiously real property by negotiation.
- (2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany at least one appraiser of the acquiring agency during his inspection of the property, except that the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition of property with a low fair market value.
- (3) Before the initiation of negotiations for real property, the acquiring agency shall establish an amount which it believes to be **just compensation** therefor, and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of the real property to be acquired prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The acquiring agency shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as **just compensation**. Where appropriate the **just compensation** for the real property acquired, for damages to remaining real property, and for benefits to remaining real property shall be separately stated.
- (4) No owner shall be required to surrender possession of real property before the agreed purchase price is paid or deposited with a court having jurisdiction of condemnation of such property, in accordance with applicable law, for the benefit of the owner an amount not less than the acquiring agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding of such property.
- (5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least ninety days written notice of the date by which such move is required.
- (6) If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term or for a period subject to termination on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.
- (7) In no event shall the time \*of condemnation be advanced, on negotiations or condemnation and the deposit of funds in court for the use of the owner be deferred, or any other coercive action be taken to compel an agreement on the price to be paid for the property.
- (8) If an interest in real property is to be acquired by exercise of the power of eminent domain, formal condemnation proceedings shall be instituted. The acquiring agency shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.
- (9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the agency concerned shall offer to acquire that remnant. For the purposes of this

chapter, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and that the head of the agency concerned has determined has little or no value or utility.

(10) A person whose real property is being acquired in accordance with this chapter may, after the person has been fully informed of his right to receive **just compensation** for the property, donate the property, any part thereof, any interest therein, or any compensation paid for it to any agency as the person may determine.

[1988 c 90 § 12; 1971 ex.s. c 240 § 18.]

#### NOTES:

**\*Reviser's note:** The word "or" may have been intended. The language of subsection (7) of this section apparently reflects similar language found in 49 C.F.R. 24.102(h).

**Section captions -- 1988 c 90:** See note following RCW 8.26.010.

---

#### RCW 8.26.190

##### **Acquisition of buildings, structures, and improvements.**

(1) Where any interest in real property is acquired, the acquiring agency shall acquire an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which is required to be removed from such real property or which is determined to be adversely affected by the use to which such real property will be put.

(2) For the purpose of determining the **just compensation** to be paid for any building, structure, or other improvement required to be acquired under subsection (1) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant of the lands, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the owner of such building, structure, or improvement.

(3) Payment for such building, structure, or improvement under subsection (1) of this section shall not result in duplication of any payments otherwise authorized by state law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release all his right, title, and interest in and to such improvements. Nothing with regard to the above-mentioned acquisition of buildings, structures, or other improvements shall be construed to deprive the tenant of any rights to reject payment and to obtain payment for such property interests in accordance with other laws of this state.

[1988 c 90 § 13; 1971 ex.s. c 240 § 19.]

#### NOTES:

**Section captions -- 1988 c 90:** See note following RCW 8.26.010.



**RCW 35.22.280****Specific powers enumerated.**

Any city of the first class shall have power:

- (1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;
- (2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;
- (3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;
- (4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;
- (5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;
- (6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making **just compensation** to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;
- (7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;
- (8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;
- (9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;
- (10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof. Whenever the words "public markets" are used in this chapter, and the public market is managed in whole or in part by a public corporation created by a city, the words shall be construed to include all real or personal property located in a district or area designated by a city as a public market and traditionally devoted to providing farmers, crafts vendors and other merchants with retail space to market their wares to the public. Property located in such a district or area need not be exclusively or primarily used for such traditional public market retail activities and may include property used for other public purposes including, but not limited to, the provision of human services and low-income or moderate-income housing;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To provide for establishing and maintaining reform schools for juvenile offenders;

(19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by

its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any

infectious or contagious disease to some suitable place to be provided for that purpose;

(30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: PROVIDED, That no license shall be granted to continue for longer than one year from the date thereof;

(33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five thousand dollars or imprisonment in the city jail for one year, or both such fine and imprisonment. The punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Such cities alternatively may provide that violations of ordinances constitute a civil violation subject to monetary penalties, but no act which is a state crime may be made a civil violation;

(36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(37) To provide in their respective charters for a method to propose and adopt amendments thereto.

[1993 c 83 § 4; 1990 c 189 § 3; 1986 c 278 § 3; 1984 c 258 § 802; 1977 ex.s. c 316 § 20; 1971 ex.s. c 16 § 1; 1965 ex.s. c 116 § 2; 1965 c 7 § 35.22.280. Prior: 1890 p 218 § 5; RRS § 8966.]

## NOTES:

**Effective date -- 1993 c 83:** See note following RCW 35.21.163.

**Severability -- 1986 c 278:** See note following RCW 36.01.010.

**Court Improvement Act of 1984 -- Effective dates -- Severability -- Short title -- 1984 c 258:** See notes following RCW 3.30.010.

**Severability -- 1977 ex.s. c 316:** See note following RCW 70.48.020.

**RCW 35.55.040****Damages -- Eminent domain.**

If an ordinance has been passed as in this chapter provided, and it appears that in making of the improvement so authorized, private property will be taken or damaged thereby, the city shall file a petition in the superior court of the county in which such city is situated, in the name of the city, praying that **just compensation** to be made for the property to be taken or damaged for the improvement specified in the ordinance be ascertained, and conduct proceedings in eminent domain in accordance with the statutes relating to cities for the ascertainment of the compensation to be made for the taking and damaging of property, except insofar as the same may be inconsistent with this chapter.

The filling of unimproved and uncultivated lowlands of the character mentioned in RCW 35.55.010 shall not be considered as damaging or taking of such lands. The damage if any, done to cultivated lands or growing crops thereon, or to buildings and other improvements situated within the district proposed to be filled, shall be ascertained and determined in the manner above provided; but no damage shall be awarded to any property owner for buildings or improvements placed upon lands included within said district after the publication of the ordinance defining the boundaries of the proposed improvement district: PROVIDED, That the city shall after the passage of such ordinance, proceed with said improvement with due diligence. If the improvement is to be made at the expense of the property benefited, no account shall be taken of benefits by the jury or court in assessing the amount of compensation to be made to the owner of any property within such district, but such compensation shall be assessed without regard to benefits to the end that said property for which damages may be so awarded, may be assessed the same as other property within the district for its just share and proportion of the expense of making said improvement, and the fact that compensation has been awarded for the damaging or taking of any parcel of land shall not preclude the assessment of such parcel of land for its just proportion of said improvement.

[1965 c 7 § 35.55.040. Prior: 1909 c 147 § 3; RRS § 9434.]

**NOTES:**

Eminent domain by cities: Chapter 8.12 RCW.

**RCW 35.56.050****Damages -- Eminent domain.**

If an ordinance is passed as in this chapter provided, and it appears that in making of the improvements so authorized, private property will be taken or damaged thereby within or without the city, the city shall file a petition in the superior court of the county in which such city is situated, in the name of the city, praying that **just compensation** be made for the property to be taken or damaged for the improvement specified in the ordinance and conduct proceedings in eminent domain in accordance with the statutes relating to cities for the ascertainment of the compensation to be made for the taking and damaging of property, except insofar as the same may be inconsistent with this chapter.

The filling of unimproved and uncultivated lowlands of the character mentioned in RCW 35.56.010 shall not be considered as a damaging or taking of such lands. The damage, if any, done to cultivated lands or growing crops thereon, or to buildings and other improvements situated within the district proposed to be filled shall be ascertained and determined in the manner above provided; but no damage shall be awarded to any property owner for buildings or improvements placed upon lands included within said district after the publication of the ordinance defining the boundaries of the proposed

improvement district: PROVIDED, That the city shall, after the passage of such ordinance, proceed with said improvement with due diligence.

If the improvement is to be made at the expense of the property benefited, no account shall be taken of benefits by the jury or court in assessing the amount of compensation to be made to the owner of any property within such district, but such compensation shall be assessed without regard to benefits to the end that said property for which damages may be so awarded, may be assessed the same as other property within the district for its just share and proportion of the expense of making said improvement, and the fact that compensation has been awarded for the damaging or taking of any parcel of land shall not preclude the assessment of such parcel of land for its just proportion of said improvement.

[1965 c 7 § 35.56.050. Prior: (i) 1913 c 16 § 3; RRS § 9451. (ii) 1929 c 63 § 4; 1913 c 16 § 21; RRS § 9469.]

## NOTES:

Eminent domain, cities: Chapter 8.12 RCW.

### RCW 36.70A.020

#### Planning goals.

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (6) Property rights. Private property shall not be taken for public use without **just compensation** having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

[2002 c 154 § 1; 1990 1st ex.s. c 17 § 2.]

---

### **RCW 47.12.023**

#### **Acquisition of state lands or interests or rights therein -- Procedures--Compensation -- Reacquisition by department of natural resources.**

(1) Except as provided in RCW 47.12.026 and 47.12.029, whenever it is necessary to secure any lands or interests in lands for any highway purpose mentioned in RCW 47.12.010, or for the construction of any toll facility or ferry terminal or docking facility, the title to which is in the state of Washington and under the jurisdiction of the department of natural resources, the department of transportation may acquire jurisdiction over the lands or interests in lands, or acquire rights to remove materials from the lands in the manner set forth in this section.

(2) At any time after the final adoption of a right of way plan or other plan requiring the acquisition of lands or interests in lands for any purpose as authorized in subsection (1) of this section, the department of transportation may file with the department of natural resources a notice setting forth its intent to acquire jurisdiction of the lands or interests in lands under the jurisdiction of the department of natural resources required for right of way or other highway purposes related to the construction or improvement of such state highway, toll facility, or ferry terminal or docking facility.

(3) The department of transportation at the time of filing its notice of intent as provided in subsection (2) of this section shall file therewith a written statement showing the total amount of **just compensation** to be paid for the property in the event of settlement. The offer shall be based upon the department of transportation approved appraisal of the fair market value of the property to be acquired. In no event may the offer of settlement be referred to or used during any arbitration proceeding or trial conducted for the purpose of determining the amount of **just compensation**.

(4) **Just compensation** and/or fair market value for the purposes of this section shall be determined in accordance with applicable federal and state constitutional, statutory, and case law relating to the condemnation of private and public property for public purposes.

(5) If the department of natural resources does not accept the offer of the department of transportation, the department of transportation may nonetheless pay to the department of natural resources the amount of its offer and obtain immediate possession and use of the property pending the determination of **just compensation** in the manner hereinafter provided.

(6) If the amount of **just compensation** is not agreed to, either the department of natural resources or the department of transportation may request in writing the appointment of an arbitrator for the purpose of determining the amount of compensation to be paid by the department of transportation for the acquisition of jurisdiction over the lands or interests in lands or rights therein. In that event the department of natural resources and the department of transportation may jointly agree on an arbitrator to determine the compensation, and his determination shall be final and conclusive upon both departments. The costs of the arbitrator shall be borne equally by the parties. If the department of natural resources and the department of transportation are unable to agree on the selection of an arbitrator within thirty days after a request therefor is made, either the department of transportation or the department of natural resources may file a petition with the superior court for Thurston county for the purpose of determining the amount of **just compensation** to be paid. The matter shall be tried by the court pursuant to the procedures set forth in RCW 8.04.080.

(7) Whenever the department of transportation has acquired immediate possession and use of property by payment of the amount of its offer to the department of natural resources, and the arbitration award or judgment of the court for the acquisition exceeds the payment for immediate possession and use, the department of transportation shall forthwith pay the amount of such excess to the department of natural resources with interest thereon from the date it obtained immediate possession. If the arbitration or court award is less than the amount previously paid by the department of transportation for immediate possession and use, the department of natural resources shall forthwith pay the amount of the difference to the department of transportation.

(8) Upon the payment of **just compensation**, as agreed to by the department of transportation and the department of natural resources, or as determined by arbitration or by judgment of the court, and other costs or fees as provided by statute, the department of natural resources shall cause to be executed and delivered to the department of transportation an instrument transferring jurisdiction over the lands or interests in lands, or rights to remove material from the lands, to the department of transportation.

(9) Except as provided in RCW 47.12.026, whenever the department of transportation ceases to use any lands or interests in lands acquired in the manner set forth in this section for the purposes mentioned herein, the department of natural resources may reacquire jurisdiction over the lands or interests in land by paying the fair market value thereof to the department of transportation. If the two departments are unable to agree on the fair market value of the lands or interests in lands, the market value shall be determined and the interests therein shall be transferred in accordance with the provisions and procedures set forth in subsections (4) through (8) of this section.

[1984 c 7 § 115; 1977 ex.s. c 103 § 1.]

## NOTES:

**Severability -- 1984 c 7:** See note following RCW 47.01.141.



---

**RCW 47.12.026****Acquisition of state lands or interests or rights therein -- Easements -- Removal of materials -- Relocation of railroad tracks.**

(1) The department of transportation may acquire an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, including the right to make necessary fills, on, over, or across the beds of navigable waters which are under the jurisdiction of the department of natural resources, in accordance with the provisions of RCW 47.12.023, except that no charge may be made to the department of transportation for such an easement.

(2) The department of transportation may obtain an easement for highway or toll facilities purposes or for ferry terminal or docking facilities on, over, or across harbor areas in accordance with RCW 47.12.023 but only when the areas are approved by the harbor line commission as a public place for public landings, wharves, or other public conveniences of commerce or navigation. No charge may be made to the department of transportation for such an easement.

(3) Upon the selection by the department of transportation of an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, as authorized in subsections (1) and (2) of this section, the department of natural resources shall cause to be executed and delivered to the department of transportation an instrument transferring the easement. Whenever the state no longer requires the easement for highway or toll facilities right of way or for ferry terminal or docking facilities, the easement shall automatically terminate and the department of transportation shall, upon request, cause to be executed an instrument relinquishing to the department of natural resources all of its interest in the lands.

(4) The department of transportation, pursuant to the procedures set forth in RCW 47.12.023, may remove sand and gravel and borrow materials and stone from the beds of navigable waters under the jurisdiction of the department of natural resources which lie below the line of ordinary high water upon the payment of fair market value per cubic yard for such materials to be determined in the manner set forth in RCW 47.12.023.

(5) The department of transportation may acquire full jurisdiction over lands under the jurisdiction of the department of natural resources including the beds of navigable waters that are required for the relocation of the operating tracks of any railroad that will be displaced by the acquisition of such railroad property for state highway purposes. The department of transportation may exchange lands so acquired in consideration or partial consideration for the land or property rights needed for highway purposes and may cause to be executed a conveyance of the lands in the manner prescribed in RCW 47.12.150. In that event the department of transportation shall pay to the department of natural resources, as **just compensation** for the acquisition, the fair market value of the property, including the beds of any navigable waters, to be determined in accordance with procedures set forth in RCW 47.12.023.

[1984 c 7 § 116; 1977 ex.s. c 103 § 2.]

**NOTES:**

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

---

**RCW 47.42.102**

### **Compensation for removal of signs -- Authorized -- Applicability.**

(1) Except as otherwise provided in subsection (3) of this section, **just compensation** shall be paid upon the removal of any sign (pursuant to the provisions of chapter 47.42 RCW), lawfully erected under state law, which is visible from the main traveled way of the interstate system or the primary system.

(2) Such compensation shall be paid for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(3) In no event, however, shall compensation be paid for the taking or removal of signs adjacent to the interstate system and the scenic system which became subject to removal pursuant to chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. prior to May 10, 1971.

[1975 1st ex.s. c 271 § 2; 1971 ex.s. c 62 § 12.]

### **RCW 47.42.104**

#### **Compensation for removal -- Federal share -- Acceptance.**

The department may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of section 131 of title 23, United States Code, as now or hereafter amended. The department shall take such steps as may be necessary from time to time to obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, pursuant to section 131, for the purpose of paying the federal share of the **just compensation** to be paid to sign owners and owners of real property under the terms of subsection (g) of section 131 and RCW 47.42.102, 47.42.103, and 47.42.104.

[1984 c 7 § 230; 1971 ex.s. c 62 § 14.]

### **NOTES:**

**Severability -- 1984 c 7:** See note following RCW 47.01.141.

### **RCW 47.42.105**

#### **Unavailability of federal share.**

No sign, display, or device shall be required to be removed if the federal share of the **just compensation** to be paid upon the removal of such sign, display, or device is not available to make such payment.

[1971 ex.s. c 62 § 15.]

### **RCW 47.42.107**

#### **Compensation for removal under local authority.**

(1) **Just compensation** shall be paid upon the removal of any existing sign pursuant to the provisions of any resolution or ordinance of any county, city, or town of the state of Washington by such county, city, or town if:

(a) Such sign was lawfully in existence on May 10, 1971 (the effective date of the Scenic Vistas Act of 1971); or

(b) Such sign was erected subsequent to May 10, 1971 (the effective date of the Scenic Vistas Act of 1971), in compliance with existing state and local law.

(2) Such compensation shall be paid in the same manner as specified in RCW 47.42.102(2) for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

[1977 ex.s. c 141 § 1.]

#### **NOTES:**

**Severability -- 1977 ex.s. c 141:** "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 141 § 2.]

---

#### **RCW 47.76.250**

##### **Essential rail assistance account -- Purposes.**

(1) The essential rail assistance account is created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be used by the department or distributed by the department to cities, county rail districts, counties, economic development councils, and port districts for the purpose of:

(a) Acquiring, rebuilding, rehabilitating, or improving rail lines;

(b) Purchasing or rehabilitating railroad equipment necessary to maintain essential rail service;

(c) Constructing railroad improvements to mitigate port access or mainline congestion;

(d) Construction of loading facilities to increase business on light density lines or to mitigate the impacts of abandonment;

(e) Preservation, including operation, of light density lines, as identified by the Washington state department of transportation, in compliance with this chapter; or

(f) Preserving rail corridors for future rail purposes by purchase of rights of way. The department

shall first pursue transportation enhancement program funds, available under the federal surface transportation program, to the greatest extent practicable to preserve rail corridors. Purchase of rights of way may include track, bridges, and associated elements, and must meet the following criteria:

(i) The right of way has been identified and evaluated in the state rail plan prepared under this chapter;

(ii) The right of way may be or has been abandoned; and

(iii) The right of way has potential for future rail service.

(3) The department or the participating local jurisdiction is responsible for maintaining any right of way acquired under this chapter, including provisions for drainage management, fire and weed control, and liability associated with ownership.

(4) Nothing in this section impairs the reversionary rights of abutting landowners, if any, without **just compensation**.

(5) The department, cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired under this chapter.

(6) The department, cities, county rail districts, counties, and port districts may grant trackage rights over rail lines acquired under this chapter.

(7) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or until compensation has been made to the underlying fee title holder or reversionary rights holder.

(8) The department of transportation shall develop criteria for prioritizing freight rail projects that meet the minimum eligibility requirements for state assistance under RCW 47.76.240. The department shall develop criteria in consultation with the Washington state freight rail policy advisory committee. Project criteria should consider the level of local financial commitment to the project as well as cost/benefit ratio. Counties, local communities, railroads, shippers, and others who benefit from the project should participate financially to the greatest extent practicable.

(9) Moneys received by the department from franchise fees, trackage rights fees, and loan payments shall be redeposited in the essential rail assistance account. Repayment of loans made under this section shall occur within a period not longer than fifteen years, as set by the department. The repayment schedule and rate of interest, if any, shall be determined before the distribution of the moneys.

(10) The state shall maintain a contingent interest in any equipment, property, rail line, or facility that has outstanding grants or loans. The owner may not use the line as collateral, remove track, bridges, or associated elements for salvage, or use it in any other manner subordinating the state's interest without permission from the department.

(11) Moneys distributed under this chapter should be provided as loans wherever practicable. Except as provided by section 3, chapter 73, Laws of 1996, for improvements on or to privately owned railroads, railroad property, or other private property, moneys distributed shall be provided solely as loans.

[1996 c 73 § 2; 1995 c 380 § 6; 1993 c 224 § 4; 1991 sp.s. c 13 § 22; 1991 c 363 § 125; 1990 c 43 § 11. Prior: 1985 c 432 § 2; 1985 c 57 § 64; 1983 c 303 § 6. Formerly RCW 47.76.030.]

## NOTES:

**Effective date -- 1996 c 73:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 13, 1996]." [1996 c 73 § 4.]

**Effective dates -- Severability -- 1991 sp.s. c 13:** See notes following RCW 18.08.240.

**Purpose -- Captions not law -- 1991 c 363:** See notes following RCW 2.32.180.

**Construction -- Severability -- Headings -- 1990 c 43:** See notes following RCW 81.100.010.

**Effective date -- 1985 c 57:** See note following RCW 18.04.105.

**Severability -- 1983 c 303:** See RCW 36.60.905.

County rail districts: Chapter 36.60 RCW.

Port districts, acquisition and operation of facilities: RCW 53.08.020.

### RCW 64.04.180

**Railroad properties as public utility and transportation corridors -- Declaration of availability for public use -- Acquisition of reversionary interest.**

Railroad properties, including but not limited to rights-of-way, land held in fee and used for railroad operations, bridges, tunnels, and other facilities, are declared to be suitable for public use upon cessation of railroad operations on the properties. It is in the public interest of the state of Washington that such properties retain their character as public utility and transportation corridors, and that they may be made available for public uses including highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. Nothing in this section or in RCW 64.04.190 authorizes a public agency or utility to acquire reversionary interests in public utility and transportation corridors without payment of **just compensation**.

[1988 c 16 § 1; 1984 c 143 § 22.]

### RCW 80.54.040

**Criteria for just and reasonable rate.**

A just and reasonable rate shall assure the utility the recovery of not less than all the additional costs of procuring and maintaining pole attachments, nor more than the actual capital and operating expenses, including **just compensation**, of the utility attributable to that portion of the pole, duct, or conduit used for the pole attachment, including a share of the required support and clearance space, in proportion to the space used for the pole attachment, as compared to all other uses made of the subject facilities, and uses which remain available to the owner or owners of the subject facilities.

[1979 c 33 § 4.]

**RCW 85.05.070****Eminent domain -- Powers of district.**

All diking districts organized under the provisions of this act shall have the right of eminent domain with the power by and through its board of commissioners to cause to be condemned and appropriated private property for the use of said organization, in the construction and maintenance of a system of dikes and make **just compensation** therefor; that the property of private corporations may be subjected to the same rights of eminent domain as private individuals, and said board of commissioners shall have the power to acquire by purchase all of the real property necessary to make the improvements provided for by this act. All diking districts and the commissioners thereof now organized and existing, and all diking districts hereafter to be organized, and the commissioners thereof shall have in addition to the rights, powers and authority now conferred by any law of this state:

(1) The right, power and authority to straighten, widen, deepen and improve any and all rivers, watercourses or streams, whether navigable or otherwise, flowing through or located within the boundaries of such diking district, or any rivers, watercourses or streams which shall at any time by their overflow damage the land within the boundaries of any such diking district.

(2) To construct all needed and auxiliary dikes, drains, ditches, canals, flumes, locks and all other necessary artificial appliances, wherever situated, in the construction of a diking system and which may be necessary or advisable to protect the land in any diking district from overflow, or to provide an efficient system of drainage for the land situated within such diking district, or to assist and become necessary in the preservation and maintenance of such diking system.

(3) In the accomplishment of the foregoing objects, the commissioners of such diking districts are hereby given, in addition to the right and power of eminent domain now conferred by law upon the commissioners of any diking district, the right, power and authority by purchase, or the exercise of the power and authority of eminent domain, or otherwise, to acquire all necessary or needed rights of way in the straightening, deepening or widening of such rivers, watercourses or streams, and such auxiliary drains, ditches or canals hereinabove mentioned, and when so acquired shall have and are hereby given the right, power and authority, by and with the consent and approval of the United States government, in cases where such consent is necessary, to divert, alter or change the bed or course of any such river, watercourse or stream aforesaid, or to deepen or widen the same.

All diking districts and the commissioners thereof are further given the right, power and authority to join and contract with any other diking district or districts for the joint construction of any of the foregoing works, appliances, or improvements, whether such works, appliances or improvements are located within the boundaries of any or all of the contracting districts.

[1939 c 117 § 1; 1915 c 153 § 1; 1907 c 95 § 1; 1895 c 117 § 7; RRS § 4243. Prior: 1883 p 30 § 1; Code 1881 § 2523. Formerly RCW 85.04.410.]

**RCW 85.06.070****Eminent domain powers -- Purchase of real property authorized.**

All drainage districts organized or that may hereafter be organized under the provisions of this chapter or the acts amendatory thereof shall have the right of eminent domain, with the power by and through its board of commissioners, to cause to be condemned and appropriated private property for the use of said corporation in the construction and maintenance of a system or systems of drainage, and make **just**

**compensation** therefor, and such right of eminent domain may be exercised either within or without the boundaries of such districts, and may be exercised with respect to rights of way for ditches, drains, dams, outlets or any other necessary appliances or structures and whether for the original system or any additions, enlargements or extensions thereof or for additional outlets or systems of drainage: PROVIDED, That the property of private corporations may be subjected to the same rights of eminent domain as that of private individuals: PROVIDED, FURTHER, That the said board of commissioners shall have the power to acquire by purchase all the real property necessary to make the improvements herein provided for.

[1919 c 179 § 2; 1895 c 115 § 7; RRS § 4305. Formerly RCW 85.04.605, part.]

#### **RCW 85.06.680**

##### **Additional improvements -- Private property not to be taken without compensation.**

In carrying out any of the foregoing powers, said district shall not impair, damage, injure, or take any private property or interest therein, or vested rights, without **just compensation** being paid.

[1935 c 170 § 5; RRS § 4342-5. Formerly RCW 85.04.605, part.]

#### **RCW 86.12.020**

##### **Authority to make improvements -- Condemnation.**

Said fund shall be expended for the purposes in this chapter provided. Any county, for the control of waters subject to flood conditions from streams, tidal or other bodies of water affecting such county, may inside or outside the boundaries of such county, construct, operate and maintain dams and impounding basins and dikes, levees, revetments, bulkheads, rip-rap or other protection; may remove bars, logs, snags and debris from and clear, deepen, widen, straighten, change, relocate or otherwise improve and maintain stream channels, main or overflow; may acquire any real or personal property or rights and interest therein for the prosecution of such works or to preserve any flood plain or regular or intermittent stream channels from any interference to the free or natural flow of flood or storm water; and may construct, operate and maintain any and all other works, structures and improvements necessary for such control; and for any such purpose may purchase, condemn or otherwise acquire land, property or rights, including beds of nonnavigable waters and state, county and school lands and property and may damage any land or other property for any such purpose, and may condemn land and other property and rights and interests therein and damage the same for any other public use after **just compensation** having been first made or paid into court for the owner in the manner prescribed in this chapter. The purposes in this chapter specified are hereby declared to be county purposes.

[1970 ex.s. c 30 § 10; 1941 c 204 § 9; 1935 c 162 § 1; 1919 c 109 § 1; 1907 c 66 § 2; Rem. Supp. 1941 § 9626.]

#### **NOTES:**

**Severability -- 1970 ex.s. c 30:** See RCW 36.89.911.

Authority and power of counties are supplemental: RCW 36.89.062.

Storm water control facilities, county powers and authority: Chapter 36.89 RCW.

#### **RCW 90.03.030**

### **Right to convey water along lake or stream -- Conveyance to intake structure in neighboring state.**

Any person may convey any water which he or she may have a right to use along any of the natural streams or lakes of this state, but not so as to raise the water thereof above ordinary highwater mark, without making **just compensation** to persons injured thereby; but due allowance shall be made for evaporation and seepage, the amount of such seepage to be determined by the department, upon the application of any person interested. Water conveyed under this section may be conveyed to an approved intake structure located in a neighboring state in order to accomplish an approved modification of the point of diversion in a permit to appropriate water for a beneficial use, if approval of the neighboring state is documented to the satisfaction of the department.

[1999 c 232 § 3; 1987 c 109 § 68; 1917 c 117 § 3; RRS § 7353. Formerly RCW 90.28.050.]

#### **NOTES:**

**Purpose -- Short title -- Construction -- Rules -- Severability -- Captions -- 1987 c 109:** See notes following RCW 43.21B.001.

### **RCW 91.08.100**

#### **Board's powers and duties -- Right of eminent domain.**

Said board shall have the right of eminent domain for the acquisition of lands necessary to the construction or widening of the proposed waterway, and may cause all necessary lands to be condemned and appropriated or damaged for the use of said waterway, and make **just compensation** therefor. The private property of the state, the county, and other public or quasi-public corporations (except incorporated cities and towns), and of private corporations, shall be subject to the same rights of eminent domain at the suit of said board as the property of private individuals.

[1911 c 23 § 8; RRS § 9784.]

### **RCW 91.08.160**

#### **Eminent domain -- Finding of public use -- Jury -- Dismissal.**

Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition and shall adjudicate whether the proposed condemnation is for a public use, and if its judgment is that the proposed use is public, it shall empanel a jury to ascertain the **just compensation** to be paid for the lands or property taken or damaged, unless a jury be waived; but if any defendant or party in interest shall demand, and the court shall deem it proper, separate juries may be empaneled as to the separate compensation or damages to be paid to any one or more of such defendants or parties in interest. Should the court determine that the proposed use is not public, it shall dismiss the proceeding.

[1911 c 23 § 14; RRS § 9790.]

### **RCW 91.08.170**

#### **Eminent domain -- New parties may be admitted.**

The jury or court shall also ascertain the **just compensation** to be paid to any person found to have an



interest in any lot or parcel of land or property which may be taken or damaged for such improvement, whether or not such person's name or such lot or parcel of land or other property is mentioned or described in said petition: PROVIDED, That such person shall first be admitted as a party defendant to such suit by such court and shall file a statement of his interest in, and a description of, the lot or parcel of land or other property in respect to which he claims compensation.

[1911 c 23 § 15; RRS § 9791.]

#### NOTES:

Procedure after findings: RCW 91.08.210.

Substitute defendant: RCW 91.08.220.

---

**WAC 468-51-150 Adjudicative proceedings.** (1) Application. Any person who has standing to challenge the denial of a permit application in compliance with WAC 468-51-080; a permit with conditions in compliance with WAC 468-51-080; a notice of permit modification, revocation, or closure of permitted connection in compliance with WAC 468-51-120; or notice of closure of an unpermitted connection in compliance with WAC 468-51-130 may apply for an adjudicative proceeding on the matter in compliance with chapter 34.05 RCW, rules adopted thereunder, and department rules within thirty days of the date the initial determination of the department is sent by certified mail.

(2) Conduct. Thereafter, and within the times set forth by chapter 34.05 RCW, rules adopted thereunder, and department rules, the department shall convene an adjudicative proceeding. The proceeding shall be conducted in compliance with chapter 34.05 RCW, rules adopted thereunder, and department rules.

(3) Failure to apply. Failure to apply for an adjudicative proceeding within the times set forth in subsection (1) of this section shall result in the adoption of the department's initial determination as its final determination.

(4) Failure to participate. Failure to attend or otherwise participate in an adjudicative proceeding may result in a finding of default.

(5) Reasonableness of access. The department in its regulation of connections in compliance with chapter 47.50 RCW and these regulations shall allow reasonable access. If the department's final order denies reasonable access, the appellant shall be entitled to **just compensation** in compliance with RCW 47.50.010(5). Access which is not reasonable is not compensable.

[Statutory Authority: Chapter 47.50 RCW. 99-06-034 (Order 187), § 468-51-150, filed 2/25/99, effective 3/28/99. Statutory Authority: RCW 47.01.101 and chapter 47.50 RCW. 92-14-044, § 468-51-150, filed 6/24/92, effective 7/25/92.]

---

**WAC 468-100-002 Definitions and acronyms.** Definitions: Certain terms used in this chapter are defined as follows:

(1) **Agency:** The term agency means the federal agency, state, state agency, or person that acquires real property or displaces a person.

(a) **Acquiring agency.** The term acquiring agency means a state agency, as defined in (d) of this